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Globalization and its impact on the full enjoyment of all human rights

Report of the Secretary-General**

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** The present report is being submitted on 31 July 2001 so as to include as much up-to-date information as possible.

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I. Introduction

1. In its resolution 55/102 of 4 December 2000, the General Assembly took note of the preliminary report of the Secretary-General on globalization and its impact on the full enjoyment of all human rights (A/55/342), and requested the Secretary-General, taking into account the different views of Member States, to submit a comprehensive report on the subject to the Assembly at its fifty-sixth session.

2. Pursuant to that request, on 15 May 2001, the Office of the United National High Commissioner for Human Rights addressed a note verbale to Member States requesting their views on the issue. Attached to the note verbale were a list of questions that had been raised in the preliminary report, which were forwarded to States as a means of focusing the present report and linking it to the preliminary report. Those questions were as follows:

(a) From the perspective of the promotion and protection of human rights, does the economic growth experienced in the present era of globalization entail more equitable distribution of income, more and better jobs, rising wages, more gender equality and greater inclusiveness?

(b) From the perspective of the promotion and protection of human rights, how can economic growth be channelled equitably to ensure the implementation of the right to development and fair and equal promotion of human well-being?

(c) To what extent do the exceptions included under article XX of the General Agreement on Tariffs and Trade indicate a point of convergence between trade rules and international human rights law?

(d) Are the standards established under the World Trade Organization (WTO) Agreement on Trade-Related Aspects of Intellectual Property Rights ("the TRIPS Agreement") sufficient to provide comprehensive protection to the intellectual property of indigenous peoples and local communities? Can those rules be adapted or amended to ensure the promotion of the cultural rights of indigenous and other groups?

(e) The Human Development Report 2000 of the United Nations Development Programme (UNDP) noted that, in 1998, least developed countries, with 10 per cent of the world's population, accounted for only 0.4 per cent of global exports and received only $3 billion of the total $600 billion foreign direct investment flows. To what extent are these figures related to trade liberalization and financial deregulation? To what extent are they related to a failure to liberalize trade and deregulate finance effectively? What other factors lead to low rates of foreign direct investment? To what extent do the figures identify the benefits of globalization being shared unevenly or at different rates?

(f) A human rights approach to globalization would set the norms, standards and principles of human rights — in particular, popular participation in decision-making, equality and fairness, accountability, empowerment and non-discrimination — as the guide for globalization. How could a human rights approach to trade liberalization correct perceived inequalities in international trade and investment?

(g) What are the links, if any, between globalization, trade liberalization and inequality?

(h) What are the links, if any, between the processes of globalization and negative aspects of international trade such as trafficking in people, arms and the increase in international crime? What policies can be formulated to ensure the promotion and protection of human rights in this regard?

(i) What are the social costs — effects on workers' rights in particular — of schemes to attract foreign investment such as economic processing zones?

(j) What is the effect, positive or negative, of the employment practices of transnational corporations on the enjoyment of the human rights of employees and their families?

3. As at 23 July 2001, the Governments of Australia, Burkina Faso, Cuba, Finland and Thailand had forwarded replies, which have been compiled in the present report. Owing to the relatively small response to the note verbale, a comprehensive report has not been reproduced. Instead, the responses are reproduced in full below. The Secretary-General recommends that the note verbale be re-sent so that the present replies, together with any future replies, can be compiled in a further report to be submitted to the General Assembly at its fifty-seventh session.

II. Replies received from Governments

Australia

1. Introduction

1. In considering the relationship between globalization and the full enjoyment of all human rights, Australia agrees that the trend towards a more integrated world has been made irreversible by advances in transportation and technology, in particular telecommunications, information technology and increased capital flows. Trade liberalization, financial deregulation and corporate growth Australia would also agree are key features of the ongoing process of globalization. However, Australia suggests that economic growth and wealth generation are also distinctive features of the globalization phenomenon that must be recognized.

2. Australia was concerned that in the preliminary report the focus appeared to be almost entirely upon purported problems in international processes and mechanisms, both in asserting "globalization-related" causes for failures in human rights protection and promotion and in selecting a list of matters requiring investigation to determine how to better protect individuals from negative impacts of globalization on their human rights. While the collective actions of States through the multilateral human rights system are relevant considerations, Australia considers that the primary responsibility and role of States is to develop national policies to deal with the adjustment costs of globalization as effectively and fairly as possible. Australia considers the key issue in any exploration of the impact of globalization on the full enjoyment of the human rights of the individual is how Governments have responded domestically on behalf of their citizens to the challenges and opportunities presented by becoming part of a global world and an international marketplace. It is at that level that, most immediately, priorities can be identified, successful and flexible response strategies determined (including through international cooperation) and assistance given to States, in the human rights context and within the international and regional human rights frameworks.

3. Australia was also concerned that many of the questions asked of States in the annex imply that "perceived" inequalities or problems in international institutions or processes are matters of fact and require action, even radical action, by States to ensure promotion and protection of human rights. In many cases, those problems or inequalities, and/or their causes are not established and are still being explored by the international community.

4. Within the overall context of the promotion and protection of human rights, Australia submits the following response, addressing the main issues encompassed by the questions listed in the annex.

2. The benefits of economic growth, including improved social outcomes

5. Australia believes that economic growth in the present era of globalization has already had and will continue to have definite positive effects on national income and employment and also (on average across countries) beneficial effects on wages and improved social outcomes. However, it must be noted that such benefits are enhanced or limited by domestic policy choices. The question of government intervention to "channel" economic growth more equitably is essentially a matter for domestic policy choice, rather than international deliberation. Well targeted provision of public goods such as infrastructure and education will in general assist those people living in poverty to engage in economic activity and to promote opportunities for economic growth.

6. In working papers prepared for the World Bank, David Dollar and Aart Kraay have directly addressed the question of what impact economic growth in the era of globalization has had on global inequality. They provide comprehensive statistical evidence on the benefits of economic growth for the world's poor. They also make the point that while the issue of what benefits economic growth has had for low-income communities is debated, no one disputes the idea that economic contradiction harms the poor and sets back the achievement of improved social outcomes (as demonstrated graphically by the Asian economic crisis).

7. Detailed evidence that economic growth in the present era of globalization improves social outcomes is included in "Global poverty and inequality in the 20th century: turning the corner?" in the Centenary Edition (2001) of the Australian Treasury's *Economic Roundup*, including:

(a) Hours worked per person in industrialized economies have fallen dramatically since the start of the twentieth century;

(b) Quality of life indicators have improved, as evidenced by indicators on nutrition, stunting and wasting;

(c) Life expectancy in developing countries rose from 55 years in 1970 to 65 years in 1997, while infant mortality nearly halved over the same period;

(d) The gap in educational attainment between the residents of rich and poor countries has narrowed, in particular in the last 20-30 years, coincident with increasing globalization.

8. Moreover, reconstruction for years prior to 1960 of the broad measure of living standards contained in the UNDP human development index (HDI) shows that nearly all countries have improved their HDI over the last century. In 1870, Australia's HDI was 0.539, a figure that placed Australia in first position. By 1995, that figure would only have ranked a country 127th in the world, with only a few countries remaining below that benchmark.

9. Income inequality between countries increased between 1990 and 2000, but inequality has been falling during the last 30 years (consistent with the rise of globalization). Many studies, including those from United Nations entities, which purport to show rising global inequality, have made material errors as a result of inappropriate use of statistics. For example, comparisons have often been made on the basis of simple exchange rate comparisons, whereas if the purpose is to compare differences in living standards, then purchasing power parity measures should be used. Other studies have made the mistake of excluding important success stories such as China or of including only the richest and poorest countries at extreme ends of the income spectrum.

10. Despite the apparent increase in the gap between rich and poor (both within countries and between countries), a study by the Organisation for Economic Cooperation and Development (OECD) found that the proportion of the world population living in extreme poverty had fallen from 28 per cent to 24 per cent. In the economies of the East Asian countries of the Asia Pacific Economic Cooperation, it fell from approximately 36 per cent in 1985 to 20 per cent in 1995. Economies with a strong outward trade orientation have been growing faster than those with an inward orientation.

11. Australia's own experience with globalization has also been strongly positive, with export industries and foreign investment contributing substantially to new employment opportunities and increased standards of living in recent years. Reduced tariffs and increased access to international capital led to higher income, more job opportunities, lower business input cost and a better range of choices for Australian families and businesses. Although trade liberalization has been accompanied by job losses in some industries, a greater number have been created in others. Those new jobs are more likely to be sustainable in the longer term as they tend to be in firms that are better equipped to grow in a global marketplace.

12. It must be noted that inequality often has more to do with technological change, domestic policy settings and other factors than it does with globalization or trade liberalization per se. It is also true that improved domestic, social and economic structures that assist countries to maximize the benefits of globalization develop as a result of openness to trade and investment flows. They often reflect learning by doing and develop after, not before, experience and exposure has been gained. Australia strongly supports continued technical assistance by multilateral institutions and bilateral donors to help developing countries build such capacities. (Web addresses for the reports referred to above are: http://econ.worldbank.org/files72207:wps2615.pdf, http://econ.worldbank.org/files/1697_2587.pdf, http://www.nber.org/papers/w8228 and http://www.treasury.gov.au/publications/EconomicPublications/EconomicRoundUp/2001/2001CentenaryEdition/2round.htm)

3. Global trade liberalization and investment and human rights

13. Continued trade liberalization — especially reduction of rich countries' barriers against poor countries' exports — will help to ensure that the promotion of human development and well-being occurs on a fair and equal basis internationally. Trade liberalization needs to extend to barriers against the exports of not only small, least developed countries but also to barriers against the exports of middle-income countries and large developing nations. Poverty and inequality do not stop at national boundaries and many of the larger developing nations such as China and

India still have large absolute numbers of people living in poverty.

14. Figures (including those of the Human Development Report) that show a lack of investment flows into least developed countries reflect a lack of trade and investment liberalization in the least developed countries and/or other factors such as lack of political stability, conflict, corruption and the absence of civil institutions and social trust. Lack of access to export markets is also a factor that needs to be taken into consideration. Those factors, rather than globalization per se, are the essential problems that need to be addressed. Often they are only remediable by the peoples affected and their Governments. Some problems, such as the example given in the preliminary report on sub-Saharan Africa agriculture's small share of the global market would in fact be resolved by more, and more consistent, globalization. The preliminary report misses an opportunity by not addressing the maintenance of trade barriers in developed nations that contribute to the difficulty of alleviating global poverty and associated human rights problems.

15. The question on the "social costs" of government schemes to attract foreign investment is most obviously and properly answered by saying that the nature and extent of impacts — positive and negative — are dependent upon the domestic policy settings chosen by the Government in setting the terms of investment and also in distributing costs and benefits to the community. The same could be said of the regulatory environment for employment in which transnational corporations operate: this will always be, after all, within a national regulatory environment. Again, any negative impacts complained of for such schemes or about the practices of such companies are not occasioned by globalization itself, but more generally by failures in national policy or regulatory environments.

16. A strict distinction between trade and investment liberalization, the growth of technology and transnational crime needs to be drawn. Global financial crime and money-laundering has been facilitated by the development of information technology and fast communications However, the problem in essence is criminal activity and not technology per se. In the area of money-laundering — which infringes property rights — a range of actions and policies are being adopted or considered by multilateral agencies and individual countries. These include consideration of the recommendations of the OECD's Financial Action Task Force, and the International Monetary Fund (IMF) consideration of money-laundering's systemic effects on financial stability.

4. How could a human rights approach to trade liberalization correct perceived inequalities in international trade and investment?

17. Australia supports efforts by international financial and trade institutions to focus on their core mandates. While Australia supports the process of "mainstreaming" human rights in the multilateral system to ensure that those involved in all agencies are aware of the nature of fundamental rights and freedoms and the obligations of States (and can take this into account in programme design and implementation), inclusion of human rights standards in programme conditionality in institutions such as the World Bank and IMF is not supported. Australia believes that this would, in general, be inappropriate. Diverting focus from the core mandates of the international trading and investment machinery, the work of which, as noted above, already promotes beneficial human rights outcomes, is also unnecessary to see implementation of the norms and standards referred to (popular participation in decision-making, equality and fairness, accountability, empowerment and non-discrimination). These should be, and in many cases are already being, applied by national Governments (including in developing their international policies and objectives) to ensure, through exercising good governance, that their citizens are involved in decision-making, that their citizens' rights are protected and that all areas of government are sensitized to human rights obligations and goals.

Burkina Faso

1. Introduction

1. The Government of Burkina Faso shares the idea that the process of "globalization" is a complex, multidimensional phenomenon that includes a large number of complex and interdependent processes, each having its own dynamics and consequently producing a wide variety of effects many of which are unforeseeable. The Government is also of the opinion that globalization is characterized at present by distinctive features such as liberalization of trade; deregulation of capital flows; increased size and power

of enterprises; progress in new technologies, especially information and communication technology; a reduction of the average cost and an increase in the speed of transport. The Government further considers that, generally speaking, while globalization means unquestionable advantages for all States, it also involves major disadvantages for some States, tending to aggravate inequalities among nations and engender new forms of injustice, including the marginalization and continued pauperization of certain peoples, especially the poorest.

2. The Government of Burkina Faso has no doubt that globalization exerts a definite positive influence on respect for human rights throughout the world. However, it also expresses its concern regarding the disruptive effects of globalization on the actual enjoyment of the fundamental rights of the human person in certain countries, especially the poorest. It therefore feels that concerted specific measures must be adopted to ensure that the beneficial effects of globalization are equitably distributed among nations and that its negative effects are tolerable to all.

2. The beneficial effects of globalization on actual enjoyment of human rights

3. The Government of Burkina Faso considers that the globalization process not only has economic effects, but also has beneficial effects on the effective enjoyment of human rights. There can be no denying that the progress in new information and telecommunication technologies brought by economic globalization engenders a cultural globalization whose effects include a de facto universalization of fundamental human rights values.

4. Thus globalization, owing to the ease of communication it offers to different peoples, makes it possible to know everything that is taking place all over the world from any point on earth. The dissemination throughout the world, via radio, television or the Internet, of news relating to specific or massive violations of human rights in one country or another brings awareness of the universal value of rights and the dignity of the human person and encourages nations to ensure better promotion and greater protection of human rights.

5. It is also undeniable that globalization improves global economic growth and gives rise to world economic conditions that may be favourable to the enjoyment of economic, social and cultural rights and the realization of the right to development.

6. Nor can it be denied that the exceptions provided for in article XX of the 1994 General Agreement on Tariffs and Trade entail convergence to a certain extent between the rules of liberalization of international trade and international human rights law. Indeed, article XX permits States members of the World Trade Organization (WTO), by way of "General Exceptions", to adopt measures "necessary to protect human ... life or health". Thus a State can still adopt appropriate measures for the protection of human rights even if such measures are contrary to the State's trade commitments, if the opening of its frontiers threatens to cause harm to persons. It will be noted, however, that this option left open to States members of WTO is limited to extreme cases of danger to the life of persons, to the exclusion of cases of risk of violation of rights other than the right to life.

7. In addition, one must recognize that the advances of new technologies, especially information and communication technology, as a result of the process of globalization, can only favour employment mobility and the exercise of certain fundamental rights such as the right to freedom of expression, information and even education, the right of access to employment, the right to health, freedom of movement and the right of access to justice, notably through the generalized application of the principle of universal jurisdiction.

3. The negative effects of globalization on the full exercise of human rights

8. The Government of Burkina Faso notes that while globalization offers significant opportunities for the exercise of human rights, its benefits are unfortunately very unevenly shared and its negative effects on the full exercise of human rights are unjustly distributed, particularly in respect of developing countries. Moreover there is the danger that by increasing the inequalities between rich and poor countries, globalization may render the exercise of the most elementary and fundamental human rights illusory in the least developed countries, whose numbers have grown steadily since 1990 and whose economic situation has steadily deteriorated, further pauperizing a population already sorely tried by various disasters.

9. One cannot fail to note, therefore, that globalization and economic liberalization are not at all

concerned with differences in the levels of economic development among States and tend to pit poor countries against rich countries, and ineluctably lead to the concentration of the world's wealth in a small number of highly efficient countries and to the persistent impoverishment of a very large number of developing countries. The fundamental paradox of globalization resides precisely in the fact that despite technological progress that now permits spectacular growth of world productivity, millions of persons continue to starve to death throughout the world, while a quarter of the world's population still lives below the poverty line as defined by UNDP parameters. Global trade liberalization, in the manner in which it is currently taking place, unfortunately tends to legitimize that situation, insofar as it rewards the performance of some while excessively condemning the mediocrity of others. This inevitably increases the inequalities between and within nations. Since it is the corollary and the logical conclusion of trade liberalization, globalization increases inequalities and as a result renders the exercise of human rights unequal and dependent on whether one is in a developed country or in a developing country, not to mention a least developed country. In other words, while everyone has the same human rights, some people enjoy these rights more than others simply because they happen to be in a developed country or to belong to the wealthiest social strata within a given country.

10. From the point of view of the promotion and protection of human rights, within the present globalization context, economic growth is, unfortunately, not reflected in an equitable distribution of income, whether between or within States. Indeed this economic growth is of little benefit to the majority of developing countries, and of still less benefit to the least developed countries, which are thus marginalized and deprived of the benefits of globalization. So long as those countries remain burdened by debt and dependent for their survival on official development aid, they will be unable to benefit from the positive effects of growth connected with globalization. Within individual countries, whether developed or developing, globalization is by no means reflected in a more equitable distribution of income, but rather aggravates existing economic injustice, insofar as it favours the concentration of capital and wealth in the hands of private interests, while opening the way for exclusion, especially as lay-offs increase. Enterprises, though profitable, do not hesitate to carry out massive lay-offs in order to meet the needs of globalization; this tends to make employment extremely uncertain and subjects wages to the self-serving interests of multinational corporations. One can thus see that the current globalization process leaves very little room for human beings, who come second, after economic and financial interests. Human rights are thus trivialized and their exercise is relegated to the background.

11. The norms established under the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights are manifestly intended to protect the individual rights of private persons and entities, in particular those of multinational corporations, sometimes to the detriment of the rights of indigenous communities and peoples. Yet it has been established that some intellectual property rights claimed by multinational corporations are actually derived from indigenous peoples and communities whose know-how and perfect familiarity with various elements of nature and the environment have enabled them over the centuries to accumulate scientific knowledge that is tried and tested but has remained unknown and is consequently not protected by the WTO system. In this light, the Agreement on Trade-Related Aspects of Intellectual Property Rights appears profoundly unjust: while providing strict protection for the rights of multinational corporations against the covetousness of States and other individuals, it ignores the rights of indigenous peoples, who are in some way victimized by corporate interests. By no means, therefore, does the Agreement provide adequate protection of the rights of such indigenous communities and peoples.

12. According to the UNDP Human Development Report 2000, in 1998 the exports of the least developed countries, in which 10 per cent of the world's population resided, amounted to a mere 0.4 per cent of world exports, and those countries received only $3 billion in foreign direct investments out of a total of 600 billion. Though these figures are the result of a number of endogenous and exogenous factors, they are directly connected with globalization in that they reflect the gradual marginalization it has brought for the poorest countries, which lack the necessary commercial, financial and technological capacity to meet the requirements of global competition. Those countries are thus the first victims of the liberalization of trade and capital: called upon to liberalize their economies, they expose those economies to international competition, yet are unable to export

competitive products or to benefit from international capital flows, precisely because of their low efficiency and competitiveness. Though trade liberalization offers additional trade facilities, those countries are, in fact, unable to benefit from them, because such trade liberalization is accompanied by technical requirements that they cannot satisfy. What is more, that liberalization is far from effective, since the advanced countries that benefit greatly therefrom set up, parallel to their frontiers, new protectionist barriers, in particular non-tariff barriers, that prove insurmountable to many developing countries.

13. There are also other factors underlying the low levels of foreign direct investment in the least advanced countries: their low productive capacity; political factors, especially those connected with political instability in those countries; the concomitant legal insecurity; their landlocked situation in the case of some countries; the high cost of transport; the inadequacy of qualified human resources; consumer poverty; extremely low income levels, etc.

14. An obvious correlation exists between globalization and the pernicious aspects of international trade, such as traffic in human beings, especially children, arms traffic and the rise in crime. To the extent that globalization implies greater liberalization of trade, deregulation of capital flows and the gradual elimination of physical controls at international borders, it also opens the way for all kinds of traffic, even the most immoral, which certain countries, especially developing countries, are unable to control. The development of the Internet, for example, which is totally beyond developing countries' control, favours such traffic. Similarly, the free trade generalized by globalization legally permits all types of commerce, including immoral trade such as traffic in organs or human beings, traffic in obscene pictures, paedophilia, etc. This situation can only be highly detrimental to the fundamental rights of the human person, such as the right to life, the right to security and peace, the right to physical and moral integrity, etc. To promote and defend human rights it is essential, in this regard, to promote equitable trade among nations, to establish a minimum of control in commercial exchanges, to reorient globalization and focus more on the human being rather than on profit, to strengthen regional integration processes as a shield against the disastrous effects of globalization and to break the vicious circle of indebtedness of developing countries. It is also indispensable to accelerate the process of making Internet access secure, a sine qua non for better control of the information dispensed by that system.

15. While programmes intended to draw foreign investment, such as those involving the creation of economic industrial zones, have the advantage of encouraging economic growth in developing countries, they are accompanied by considerable social costs, involving, for example, massive violations of the fundamental rights of employees, who pay dearly for them. Such programmes lead to massive lay-offs which threaten the lives of entire families in developed and developing countries alike. Unfortunately, the tax and customs advantages granted under such programmes do not produce the anticipated beneficial effects and amount to so many additional sacrifices imposed on the populations of poorer countries, whose ability to exercise their elementary rights is thereby compromised. The more one seeks to attract foreign investments, the more one exposes the society and the more one sacrifices the human being to economic interests.

16. In particular, the employment practices of transnational corporations, which take into account solely economic factors and profit, have pernicious effects, especially with regard to the fundamental rights of employees and their families: aggravation of unemployment, particularly in the poorer countries; job insecurity; reduction of the cost of employment; extreme reduction of wages; development of undeclared employment with no regard for the fate of the human being; erosion of social welfare, or even loss of such benefits in the case of certain employees; an enormous increase in repatriation of profits; and accelerated deterioration of the environment in the host country. Ultimately, the full exercise of human rights is thus hampered and the human being is subjected to a "new form of slavery".

17. In the face of the harmful effects of globalization on the full exercise of human rights, it is essential to adopt accompanying measures.

4. Requisite accompanying measures

18. The Government of Burkina Faso feels that the positive effects of globalization should be more equitably distributed among nations and that joint efforts should be made to overcome its negative effects, for if globalization were to favour only a

minority of States it would be illusory and could lead to future conflicts between rich and poor nations.

19. To achieve this, it is important to proceed in such a way that the benefits of globalization are always distributed in an equitable manner, inter alia, by establishing fair trade between developed countries and developing countries, strengthening international law and orienting it towards the goal of social and economic justice, strengthening the State and reorienting it towards social justice, restoring the right to development, promoting the principle of good governance, reducing the debt burden, increasing official development aid substantially and, especially, restoring a balance to eliminate inequalities among nations.

20. From the standpoint of the promotion and protection of human rights, it is indispensable to distribute economic growth equitably so as to permit the effective exercise of the right to development and the fair and equal promotion of individual well-being. To achieve this, it is essential to:

(a) Support the efforts of developing countries, especially the least developed countries, to increase their productivity and the competitiveness of their products;

(b) Facilitate access to the markets of developed countries for products from developing countries;

(c) Place human beings back at the centre of economic development and globalization;

(d) Impose a code of ethics on transnational corporations, which must, like States, respect the fundamental rights of the human person;

(e) Stop the phenomenon of indebtedness of poor countries;

(f) Establish fairer international trade between developed countries and developing countries;

(g) Put an end to the trade protectionism of the developed countries;

(h) Ensure that the next round of multilateral trade negotiations is the round of sustained human development.

21. An approach to trade liberalization that took human rights into account would probably help correct the inequalities observed in international investment and trade, provided that it led to a reduction of the disparity in levels of economic development between countries. Until such time as trade liberalization brings about a reduction of poverty in developing countries, it will continue to perpetuate inequalities between States and hamper the full exercise of human rights in developing countries. The full exercise of human rights necessarily entails an appreciable improvement of the situation of developing countries, especially that of the least developed countries.

22. All things considered, the Government of Burkina Faso feels that globalization offers an opportunity for the full exercise of human rights throughout the world. That objective cannot be realized, however, simply through laws of the market that ignore the human being. It is absolutely necessary, therefore, to contemplate accompanying measures that are agreed upon internationally and are aimed at improving the economic situation of the poorest countries.

Cuba

1. The Government of Cuba attributes the greatest importance to the irreplaceable role that must be played by the international community, through the United Nations system, in reformulating the bases of the globalization process currently under way so that it may benefit all the peoples of the world and all sectors within each country.

2. Globalization represents a high state of internationalization of economic, cultural, social and political life in which the interdependence between the processes and events taking place in the most disparate corners of the planet is becoming clearer every day.

3. Theoretically, it is a qualitative leap in the development of productive forces and in the human capacity for cooperation and specialization. At the same time, this is accompanied by the development of formidable means and instruments of communication, transport and information interchange.

4. However, what could, owing to its eminently progressive nature, have prompted tremendous rejoicing worldwide has, on the contrary, been greeted with concern and rejection by many countries of the so-called third world and by broad sectors even within the industrialized countries: for them globalization has meant nothing more than aggravation of their poverty and marginalization.

5. It so happens that the ongoing globalization which, according to the propaganda and claims put out by the centres of transnational capital, will promote so-called deregulation, is being subjected in a fundamentalist and inquisitional manner to the rigid standards of neoliberal doctrine.

6. The application of neoliberal precepts under the conditions of inequality and injustice that characterize the global distribution of wealth and the foundations of the prevailing international economic relations can only deepen the polarization of well-being both internationally and within many individual countries.

7. The effects of globalization are appreciable both as regards the enjoyment of economic, social and cultural rights and as regards civil and political rights. To evaluate of the impact of this process on the promotion and protection of human rights we must go beyond the limits of traditional doctrine and consider, as a matter of urgency, the role of what are known as non-State actors.

8. If one considers that of the 100 main economic entities in the world, only 49 are States, one will readily understand that there is an urgent need to study the impact of the activities of transnational corporations on the enjoyment of human rights by peoples and individuals in the countries in which they operate.

9. The process of globalization in accordance with neoliberal standards has exacerbated the injustices inherent in the prevailing international economic order, aggravating phenomena such as the:

(a) Undercapitalization of the economies of the countries of the South, as a consequence of the burden of the foreign debt and its service;

(b) Unequal exchange in trading in products between developed and underdeveloped countries; the prices of commodities having dropped to minimum levels;

(c) Predatory action on the part of large transnational corporations, which monopolize the principal international markets, impose their prices and have been virtually exempted from payment of taxes of any kind;

(d) Steady decline in official development aid and broadening of the conditions imposed by donor countries on any development assistance fund, to the detriment of the capacity of the Governments of the South to determine the priorities of their development programmes;

(e) Imposition of non-tariff barriers on trade by industrialized countries, which renders access to the market difficult for non-traditional export products of developing countries;

(f) Monopolistic control of technological patents by the countries of the North and their transnational corporations and imposition of numerous restrictions on technology transfers;

(g) "Brain theft" from the countries of the South, which incapacitates or weakens programmes for training human capital for development in underdeveloped countries;

(h) Marginalization of most of the peoples of Africa with respect to the principal flows of global technological and economic exchange.

10. Nevertheless, it would be wrong to consider that the globalization process has had an impact in the economic sphere alone. It has also had very serious repercussions in other spheres of human cooperation, including the following:

(a) Deepening of the gulf between North and South countries in the areas of education, information and culture owing to the inability of most of those residing in the South to gain access to new information and communication technologies;

(b) Increase in the rate of spread of pandemics such as the acquired immunodeficiency syndrome (AIDS) as a result of the development of transport means and the increased mobility of persons owing to economic or simply touristic reasons;

(c) Increase in the rate at which languages, cultures and ethnic identities are disappearing, with the consequent social and cultural impact;

(d) Homogenizing effect on the ideological, intellectual and cultural order imposed by the monopolistic control exerted by transnationals in the areas of information, cinema, television and entertainment, nearly all of which originate in the United States of America.

11. This enumeration of the already visible negative effects of neoliberal globalization and other future threats that are still more serious is far from

exhaustive. An attempt has simply been made to identify a few of them that call for urgent action by Governments and the international community.

12. While many Governments of the North have been refusing to discuss globalization or to adopt urgent measures so that its benefits may be enjoyed by all, hundreds of thousands of persons throughout the world have been mobilizing to demand that the process of globalization be reformulated on new bases of equity, justice and solidarity.

13. Transnational capital and hegemonic industrial powers are putting to work all their repressive and propagandistic resources against these true defenders of the enjoyment of human rights for all. Terms such as "globalophobic" are being used with the clear objective of discrediting the just demands of all those who have been fighting for globalization characterized by equity, solidarity and justice.

14. The Government of Cuba trusts in the success of the struggle of peoples for the betterment of humanity. Human solidarity and social justice will ultimately win out over the egoistic, unjust conceptions that serve as pillars of the existing international economic order, aggravated by the neoliberal precepts imposed on the current globalization process.

15. The future of humanity will depend, in large measure, on a solution being found to the major challenges that face humanity today and, inter alia, on the eradication of poverty and on full enjoyment of the right to development for all individuals and all the peoples of the planet.

Finland

1. Finland welcomes the initiative stated in General Assembly resolution 55/102 and wishes to contribute the following regarding the guiding questions listed in the Secretary-General's note verbale.

2. During the last three years, the Government of Finland has reinforced its inputs into promoting respect for human rights worldwide. At the same time, Finland has worked to consolidate an innovative and consistent human rights policy as an integral part of Finland's foreign and security policy. The Government remains committed to further increasing the importance of human rights in the foreign and security policy arena. This is especially important since the human rights policy is constantly facing new challenges. In order to reinforce the coherence and consistency of human rights policy, it is also essential to highlight human rights perspectives when discussing important topics such as globalization.

3. The principles and alignments of Finland's human rights policy were set down for the first time in the report of the Minister for Foreign Affairs to the Foreign Affairs Committee in 1998. The report was essentially a policy document setting out the principles and objectives of the Government's policy on human rights. A follow-up report was published in 2000 to review and evaluate the country's practical policy in the areas of human rights. Globalization as a topic was addressed and analysed from a human rights perspective in the latest publication. At the request of Parliament's Foreign Affairs Committee, the Government has put even greater emphasis on the issue of globalization by submitting a white paper in June 2001 on the management of globalization in which, efforts were made to mainstream human rights perspectives throughout the document.

4. Both the international community as a whole and individual nation States all over the world recognize the challenges of globalization. Globalization can be valued as a mainly positive and unavoidable phenomenon, which offers considerable opportunities for development and the creation and distribution of wealth. The success of nations as post-modern information societies that can fully use the benefits provided by the developed information technologies seems to favour and also to require pluralism, openness, good governance, democracy and respect for human rights. The real-time media and communication technology has made it almost impossible to hide the human rights violations occurring around the globe and has also enhanced the possibilities for interference when such acts take place. Nevertheless, there remains the unresolved question of how to manage and modulate the process of globalization and unwelcome developments such as growing inequality, the unequal distribution of wealth and increasing poverty.

5. Globalization presents a number of challenges to human rights. Economic liberalization emphasizes the importance of economic, social and civic rights, thus underlining the indivisibility of human rights. International human rights conventions bind the signatory States, but they are not directly binding on the business community or on the highly influential

multinational corporations. National Governments however bear the responsibility of implementing the human rights conventions on their own territory. This includes a responsibility to regulate the operating practices of companies on their territory to ensure respect for human rights. One approach has been to derive corporate responsibility from individual responsibility under international criminal law. Corporate responsibility can also be considered in cases where a corporation is carrying out functions governed by public law. However, there is still no firmly established practice to cover such situations.

6. The debate on the relationship between human rights and globalization and the attendant issues of responsibility is only just beginning. Open dialogue between Governments and non-governmental organizations involved in establishing networks and developing international connections can assist in the process of managing globalization and help to ensure positive opportunities for the future. As an example, international consumer activism can be mentioned as a movement that has raised awareness of the use of child labour by multinational corporations and their subcontractors. Worldwide campaigns and boycotts organized by the consumer movement have been shown to be an effective way to influence corporate behaviour.

7. International organizations such as the International Labour Organization (ILO) and OECD have also begun to give more attention to the problem. Various codes and practices for corporate operations have been drawn up under which corporations commit themselves to observe specific human rights principles. Work has also been carried out internationally to develop standards similar to environmental standards for measuring respect for human rights, in particular in the area of working life norms and social rights. Despite the fact that the ethical codes and standards drawn up by companies or international organizations are not legally binding, they do present one way to further the cause of human rights. The Government of Finland urges companies to pay more attention to human rights in their operations and considers voluntary codes of practice a useful way to commit companies to observe the principles of human rights.

8. Finnish companies are currently engaged in active debate of issues relating to social responsibility of business enterprises, including their responsibilities in the area of human rights. In addition, the Government of Finland is committed to respect for human rights in its own trade policy.

9. There has to date been little real discussion within the European Union (EU) on the role of European companies and the scope of EU itself to take a more active part in shaping that role. This could perhaps be an opportune moment to open debate on developing a code of conduct. This would allow harmonization of the ethical and in particular the human rights standards of companies operating within EU to enhance the effectiveness of work to improve the human rights situation in those countries in which European companies are operating.

10. The rewards offered by international trade are many, especially for those individuals, groups and nations which have been able to use the benefits and new opportunities provided by globalization and new information technologies. On the other hand, those individuals, groups and nations which for different reasons have not been able to use the opportunities for their benefit are in danger of being marginalized in globalized markets. That kind of development can be seen between the industrialized and developing nations, but also within those nations. Globalization can be seen as a challenge in many different, often contradictory, ways. In the developing countries, the phenomenon can be perceived as an overruling practice followed by the industrialized countries and their multinational corporations having negative implications in the use of the natural and human resources of the developing nations. In the Nordic countries, globalization can be perceived as a threat to the Nordic model of the welfare State.

11. The Government of Finland considers the United Nations the only worldwide security organization to play a key role in the management and regulation of the security aspects of globalization as well as in the aspects regarding human rights, democracy, development, social questions, work life, environment and migration. The specialized agencies of the United Nations have a role to play in that field in setting norms and also as operational actors.

12. Civil and political rights have not been discussed in the context of WTO as they do not come under the scope of its system of agreements. Insofar as WTO deals with what can be classified as economic and social rights, these are promoted through the special treatment accorded to developing countries. This area

includes the operative questions recently raised within the organization such as technical assistance, efforts to improve market access for goods from developing countries and the development of common practices among financial institutions. EU has contributed to those efforts by announcing at the Third United Nations Conference on the Least Developed Countries, held in Brussels in May 2001, that it would guarantee free market access for all goods and services except for arms originating from the least developing countries to EU markets.

13. The relationship between trade and working life norms and employee rights has in recent years been the focus of vigorous debate during preparations for the next round of WTO talks. The Government of Finland has adopted a constructive approach to the proposals for bringing working life norms within the scope of WTO. The Government considers ILO the primary forum for discussion of the issue, but considers that there is also a justifiable role to be played here by trade-related forums both on their own and playing together. The general feeling within EU is that more efforts need to be made to take better account of the interests of developing countries and the European Commission has suggested the holding of a special conference on trade and social development. That proposal has received backing from several EU member States.

14. As far as the TRIPS Agreement within WTO is concerned, it is important to bear in mind that WTO is not a standard-setting organization for intellectual property protection. That work is carried out elsewhere and once the standards have been developed, they can be included in the TRIPS Agreement if the members of WTO so decide. The current TRIPS Agreement includes the obligations of the main agreements of the World Intellectual Property Organization (WIPO) for the protection of intellectual property that existed before WTO was created. The TRIPS Agreement extended the geographical coverage of those agreements and created minimum standards for the protection of intellectual property that covers the whole WTO membership.

15. The concerns of the developing countries regarding the TRIPS issue are addressed in the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, which started in April/May 2001. It is far too early to evaluate the outcome of the Committee's work, but its terms of reference include: (a) examination of how far the existing forms of intellectual property protection can be used by indigenous peoples and local communities to protect their cultural rights; and (b) development of new intellectual property standards for the protection of, for example, traditional knowledge.

16. In the view of some developing country groupings, many of the protection claims, needs and expectations expressed by the holders of genetic resources and traditional knowledge (including folklore) could be addressed in full or in part by means of the systems and provisions currently available in the intellectual property field. However, one difficulty in using the current forms of intellectual property protection is the difficulty of attributing traditional work or pieces of knowledge to one definite person or a definite number of persons. Another limitation in this regard is the limited capacity and resources of the indigenous groups and local communities in developing countries to enforce their rights.

17. Globalizing free financial and capital markets have been a key element in the growth of foreign investments and international trade. Investments have grown faster than world trade and it needs to be kept in mind also that the middle-income developing countries and economies in transition, which have traditionally received less foreign investments, have actually in the global context benefited from the remarkable growth of investments. This has brought significant opportunities for economic and social growth in those countries. On the other hand, the least developed countries have been further marginalized from the flows of foreign direct investment. It seems that a common factor for those developing countries which have gained sustainable economic and social growth by means of the globalizing trade and foreign investments have been the respect for human rights by the Governments of those countries. The Government of Finland is committed to the respect for human rights in its own trade policy and this applies to both developing and developed countries.

18. As far as the instability of the international financial markets is concerned, the Government of Finland has committed itself to promote in the proper forum the openness of the international financial institutions and to strengthen their capabilities to react to the instability caused by the free capital movements. In that respect, the Government has also committed

itself to map out the possibilities to create an international system to regulate the negative impacts of the speculative capital movements.

19. Finland participates actively in the work of the international financial institutions with the aim to strengthen transparent international cooperation and to decrease corruption. In that regard, Finland has actively supported the heavily indebted poor countries (HIPC) initiative with the aim to have the developing countries commit themselves to the exercise of sustainable economic policies, alleviation of poverty and respect for human rights in return for a reduced debt burden.

20. The processes of globalization have encouraged many to see the possibilities offered by the new movements of people. They should be seen mainly in a positive light. The possibilities to move are not equal for all people. Globalization has offered possibilities to others and posed threats to others in terms of moving. It has been estimated that almost 100 million immigrants and 20 million refugees move from one country to another annually.

21. The impact of globalization on movements of refugees is multiple. If globalization is uncontrollable, the wealth is distributed more unevenly and the social contradictions within States may escalate into crisis and armed conflicts, which in turn increase the movements of refugees. On the other hand, globalization has made it almost impossible for States to hide human rights violations, which in turn has helped in preventing crises that lead to large-scale movements of refugees.

22. The combination of inadequate economic and social conditions in the countries of origin and immigration controls in recipient countries allied to restrictions on moving from one country to another leaves many people vulnerable to the activities of criminal groups. The most serious manifestation of this is trafficking in human beings, in which the victim is given false promises or subjected to outright violence and then smuggled across an international border for financial gain.

23. Organized trafficking constitutes a crime under international conventions. The Government of Finland supports the broadest possible international ratification and implementation of the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. At the same time, trafficking in human beings is also a human rights issue, as among other things it violates both the victims' right to personal freedom and their economic rights.

24. EU believes the human rights of the victims of such activities must be secured, with special emphasis on the problem of women and children. So far EU has combated trafficking in human beings through such initiatives as its STOP and DAPHNE programmes. The Government of Finland believes the fight against trafficking in human beings will in the future require more intensive exchange of information, operational coordination and division of labour between the various actors.

25. The Government agrees that control and prevention of the problem requires a dual strategy: more effective implementation of the existing provisions on trafficking and steps to secure the human rights of the victims. The human rights of the victims must be secured and the perpetrators of trafficking punished. The Government believes there is a need for dialogue on the protection that should be afforded the victims of trafficking. This is particularly important when the victim has been forced into prostitution or exploited in some other way.

26. The biggest problem in relation to trafficking in human beings is the commercial sexual exploitation of women and children. International trafficking in human beings, however, also covers other fields, including the clothing industry, agriculture and the building industry. Apart from serving the illegal labour market, trafficking in human beings also covers such practices as the smuggling of immigrants and asylum seekers. The Government welcomes discussion and research into the impact of immigration regulations and intensified border controls on the trafficking and smuggling of human beings.

27. Through its bilateral and multilateral development cooperation, the Government of Finland supports initiatives that promote sustainable and equitable growth, respect for human rights and reduction of poverty and thus address the root causes of globalized problems such as trafficking in human beings.

Thailand

1. The growing trend of economic globalization has had an impact on the promotion and protection of international human rights standards. From the economic perspective, globalization remains potentially a powerful and dynamic force for growth and development. It can improve the overall performance of developing countries' economies by opening up market opportunities for their exports, by promoting transfer of information, skills and technology and by increasing the financial resources available for investment in physical and intangible assets. However, globalization and trade liberalization still have some disadvantages. Human rights is one of the major elements affected by globalization. Human rights focuses on seven key freedoms: freedom from discrimination, freedom from fear, freedom of speech, freedom from want, freedom to develop and to realize one's human potential, freedom from injustice and violations of the rule of law and freedom for decent work without exploitation. Globalization has impacts on three levels of freedom, namely, the individual level, the entrepreneurial level and the national level, creating a variety of problems for the individual society and the world at large.

1. The individual level

2. At the individual level, the most fundamental level of all, globalization has a potential to infringe on individual rights as a result of the digital divide. The term "digital divide" refers to the concept that society has been separated into the "technology haves" and the "technology have-nots". The first group is characterized by those who have knowledge and skill in technology. Those people are active in learning new technology and have the potential to expand their capacity. They have greater opportunities for success. Technology upgrades people who are the technology haves and enlarges their pool of choices. The technology have-nots are not technologically skilled and, as technology advances, those people lag behind as they do not have equal opportunities to acquire, practice and familiarize themselves with new technology. Low-income people in particular do not have enough financial resources to attain knowledge of high technology and there is not much chance for them to develop themselves. This kind of technological gap violates the freedom to develop and to realize one's human potential. The problem affects a large group of people in many developed countries and tends to spread to developing countries and least developing countries all over the world.

2. The entrepreneurial level

3. At the entrepreneurial level, the violation of human rights standards normally occurs in the midst of the liberalization of trade, finance and investment in the world today. That process breaks economic barriers such as excessive rules and regulations and tariff barriers. The transnational corporations become more powerful because of the mobilization of resources, enormous capital, skilled labour, well-planned management and advanced technology. On the contrary, small and medium-sized enterprises have insufficient assets, low capitalization, vulnerability to market conditions, small numbers of workers, lack of access to markets and no formal training. The liberalization of markets without protection and appropriate regulatory frameworks affect the development of those enterprises. Transnational corporations can effectively use all of their resources to attract large amounts of domestic demand in host countries, which can jeopardize local enterprises. Small and medium-sized enterprises, the roots of the domestic economy, which have the unique characteristic of creating wealth for middle-income people in developing countries, will be put at severe risk. Globalization can endanger the survival and growth of such enterprises.

3. The national level

4. At the national level, globalization has raised inequality among nations. The unequal distribution of benefits and losses from globalization leads to polarization between the few countries and groups that gain and the many countries and groups in society that lose out or are marginalized. Globalization produces a rapidly increasing gap between the world's rich and the poor and between developed and developing countries, thereby creating imbalances and asymmetries among nations in the distribution of gains and losses. The developed countries are well placed to set the globalization agenda. They are well organized, with well staffed departments dealing with international trade and finance and with private and quasi-government think tanks helping to obtain information and map policies and strategies. They also have institutions and mechanisms helping to coordinate their

policies and positions. In contrast, the developing countries are not well organized. Government departments dealing with the interface with the global economy are understaffed, especially in global negotiations. The few think tanks that exist are not geared up to obtain and assess information on globalization trends. The links between the intellectual sectors, the non-governmental organizations and Governments are also often weak. The business and financial community are not well enough organized to monitor global trends. At the international level, cooperation among developing countries performs reasonably effectively within the United Nations framework. However, they are not adequately staffed and they are unable to keep track adequately of events and developments or to formulate longer-term policies and strategies. Marginalization makes many developing countries unable to emerge from the acute problems created by globalization and liberalization. Finally, this group of countries could be abandoned by the developed world.

4. Recommendations

5. The impact of globalization affects human rights on three levels, individual, entrepreneurial and national. That impact is due to the fact that globalization was adopted quickly and without sufficient planning. Globalization brings opportunities, but it also brings risks. While exploiting opportunities for higher economic growth and better living standards, policy makers also face the challenge of mitigating the risks for the poor, vulnerable and marginalized and of increasing equity. There are several suggestions from the World Bank and the United Nations Conference on Trade and Development (UNCTAD) for countries to build greater coherence among the globalization and human rights regimes, which are:

(a) Investing in people: human capital is one of the keys to reducing poverty. It is also one of the keys to successful and equitable participation in global markets. Poorly educated people cannot provide a foundation for building prosperity in a competitive global economy;

(b) Improving access to infrastructure and technology: public investment in technology and infrastructure is critical in raising incomes and the standard of peoples' knowledge. Public investment in poor people and in marginal areas is needed to correct imbalances;

(c) Balancing opportunities and problems resulting from globalization: to strike a careful balance between opening domestic markets and protecting them to take into account, in particular, the interests of small producers;

(d) Creating appropriate democratic global governance: to avoid the negative aspects of globalization, developing countries must be given the space and opportunity to strengthen their economies and to develop their social infrastructure, while increasing their active role in international decision-making.

6. These recommendations and guidelines are aimed at balancing economic globalization and the need for human rights accountability for global actors. Individuals, entrepreneurs, countries and international cooperation should follow these recommendations so as to make use of globalization as a tool to contribute towards growth, wealth and freedom for all in the world.

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National institutions for the promotion and protection of human rights

Report of the Secretary-General**

I. Introduction

1. The present report has been prepared pursuant to paragraph 17 of General Assembly resolution 54/176 of 17 December 1999, entitled "National institutions for the promotion and protection of human rights", in which the Assembly requested the Secretary-General to report to it at its fifty-sixth session on the implementation of the resolution.

2. In resolution 54/176, the General Assembly welcomed the growing interest throughout the world in the creation and strengthening of independent and pluralistic national institutions for the protection and promotion of human rights, as encouraged by the Vienna Declaration and Programme of Action and in accordance with the principles relating to the status of national institutions adopted by the General Assembly in resolution 48/134 of 20 December 1993. The General Assembly also welcomed the strengthening of regional cooperation among national human rights institutions.

3. The General Assembly urged the Secretary-General to continue to give high priority to requests from Member States for assistance in the establishment and strengthening of national human rights institutions. It encouraged the United Nations High Commissioner for Human Rights to ensure that appropriate arrangements are made and budgetary resources provided to continue and further extend activities in support of national institutions, and invited Governments to contribute additional, earmarked funds to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights for that purpose.

4. The present report contains information on the various activities undertaken by the Office of the United Nations High Commissioner for Human Rights to establish and strengthen national institutions and on the measures taken by Governments and national human rights institutions in these areas, as well as the work of the treaty monitoring bodies and the special mechanisms of the Commission on Human Rights to undertake further consultations with established national human rights institutions.

5. The report covers activities for the period from 9 September 1999, the date of the report on national institutions for the promotion and protection of human

* A/56/150.

** In accordance with General Assembly resolution 55/222, part III, para. 10, this report is being submitted on 1 August 2001, so as to include as much updated information as possible.

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rights submitted to the General Assembly at its fifty-fourth session, to 1 July 2001. It complements the annual reports presented to the Commission on Human Rights during this period pursuant to Commission resolutions 2000/76 of 27 April 2000 and 2001/80 of 25 April 2001. More information on assistance to national human rights institutions can be found in the reports of the Office of the United Nations High Commissioner for Human Rights on the programme of advisory services and technical assistance in the field of human rights, activities of the Voluntary Fund for Technical Assistance in the Field of Human Rights and the activities of the United Nations High Commissioner for Human Rights.

II. The work of the Office of the United Nations High Commissioner for Human Rights and consultations between national human rights institutions and the treaty monitoring bodies and protection mechanisms established by the Commission on Human Rights

6. The United Nations High Commissioner for Human Rights attaches great importance to the role that national institutions play in translating international human rights norms into laws, policies and practices that ensure respect for human rights at the local level. The establishment and strengthening of national institutions is a key objective of the Office of the High Commissioner and a major component of its programme of advisory services and technical assistance in the field of human rights. The High Commissioner, during missions to countries where national human rights institutions exist, regularly holds consultations with their members and senior staff.

7. The activities of the High Commissioner regarding national institutions are provided with the support of the Special Adviser on National Institutions and a small National Institutions Team. Practical advice is given to Governments on an appropriate constitutional or legislative framework for any new national institution and on the nature, functions, powers and responsibilities of such institutions. Support is provided to new and/or established national human rights institutions in the design of effective management structures and strategic plans, complaints handling systems, human rights education and training programmes and their implementation, and the provision of human rights information and documentation. International and regional meetings of national institutions are facilitated to encourage the sharing of experience and development of best practices.

8. The work of the Office of the High Commissioner in the area of national institutions is guided by the principles relating to the status of national institutions (Paris Principles), adopted by the General Assembly in resolution 48/134 of 20 December 1993. The High Commissioner supports programmes designed to strengthen and support a number of existing institutions which do not fully comply with these principles, but are willing to strengthen their independence and effectiveness.

A. Advice for the establishment of national institutions

9. During the past two years, the Office of the High Commissioner provided information, advice or assistance at the request of Governments or entities in the process of establishing, or considering establishment of national human rights institutions in Azerbaijan, Bangladesh, Burundi, Cambodia, Côte d'Ivoire, East Timor, the Federal Republic of Yugoslavia, Fiji, Germany, Ireland, Kazakhstan, Kenya, Kyrgyzstan, Malaysia, Mauritius, Mongolia, Nepal, Nigeria, Palestine, the Republic of Korea, the Republic of Moldova, Rwanda, Sierra Leone, Thailand and the United Kingdom of Great Britain and Northern Ireland.

10. The Office has also provided information, advice or material support to a number of established national human rights institutions, including the Australian Human Rights and Equal Opportunity Commission, the Canadian Human Rights Commission, the Defensor del Pueblo of Ecuador, the Public Defender of Georgia, the Latvian Human Rights Office, the Human Rights Commission of Indonesia, the Human Rights Commission of Malawi, the Mexican Human Rights Commission, the Moldovan Human Rights Centre, the New Zealand Human Rights Commission, the Nigerian Human Rights Commission, the Human Rights Commission of Rwanda, the South African Human

Rights Commission and the Ugandan Human Rights Commission.

11. During the reporting period, the Special Adviser and National Institutions Team conducted several missions relating to high-level meetings, seminars and workshops, to provide advice or assistance to Governments; consultations with government officials, parliamentarians, established national institutions, non-governmental organizations and representatives from the academic sector; technical cooperation needs-assessment and project-formulation missions; technical cooperation project steering committee meetings; joint activities with organizations, such as the Commonwealth, the Council of Europe and the Organization for Security and Cooperation in Europe and other United Nations agencies and programmes; countries in the process of establishing national human rights institutions; and to the provision of training to staff of national human rights institutions and senior staff of other United Nations agencies and programmes. These included missions to Australia, Cambodia, Canada, Ecuador, the Federal Republic of Yugoslavia, France, Georgia, Germany, Indonesia, Ireland, Kenya, Kosovo, Jordan, Latvia, Malaysia, Mexico, Mongolia, Morocco, Nepal, New Zealand, Nigeria, the Philippines, the Republic of Moldova, Rwanda, Sierra Leone, Sweden, Thailand, Togo, Uganda, Ukraine and the United Kingdom of Great Britain and Northern Ireland.

12. In addition, the Office of the High Commissioner responded to numerous requests from Governments and non-governmental organizations seeking general information concerning national human rights institutions. The rapidly increasing number of national human rights institutions received periodic information on human rights meetings and the activities of the Office, updated lists of United Nations publications and material relating to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

B. Technical cooperation for the establishment and strengthening of national institutions, including through field presences and the programme of advisory services and technical assistance in the field of human rights of the Office of the High Commissioner for Human Rights

13. Technical assistance for the establishment and strengthening of national institutions is financed through extrabudgetary resources contributed to the Voluntary Fund for Technical Cooperation in the Field of Human Rights. In countries where the Office has a field presence, advice and assistance is also provided through the field offices.

14. To further strengthen the overall technical cooperation programme on national human rights institutions, the Office of the High Commissioner continues to expand its roster of consultants and experts and practitioners on national human rights institutions, compile legislation of national human rights institutions established in accordance with the Paris Principles and compile best practices of national human rights institutions' work on thematic issues such as racism and the protection and promotion of children's and women's rights. The Office is in the process of finalizing a handbook for national institutions practitioners relating to economic, social and cultural rights.

Activities and programmes of the Office of the High Commissioner in Africa

15. The Office of the High Commissioner received an increasing number of requests for advice and assistance, particularly from Africa. Requests for legal advice and/or assistance currently under consideration or in the process of formalization and which may involve assistance to national institutions include those from Cameroon, Côte d'Ivoire, Guinea-Bissau, Kenya, Liberia, Malawi, Morocco, Niger, Nigeria, Rwanda and Togo.

16. The Office of the High Commissioner is completing an initial technical cooperation project with the recently established Rwanda Human Rights Commission. This cooperation is consistent with that called for in Commission on Human Rights resolution 1998/69. With a view to institutional strengthening,

advice of a national institutions expert was provided as part of a joint Office of the High Commissioner/United Nations Development Programme (UNDP) initiative. In addition three experts on documentation centres; automation technology; and human rights education, respectively, conducted missions to the country. Pursuant to Commission on Human Rights resolution 2001/23, a new project is being developed to further strengthen the Commission's institutional capacity and to assist the Commission in its promotion and protection activities.

17. The Office is in the process of completing an initiative with the Uganda Human Rights Commission in cooperation with UNDP. Through the project, the Commission has developed a detailed programme of work, which includes dealing with complaints of human rights violations, reviewing legislation to ensure conformity with international treaty obligations, assisting the Government in discharging its reporting obligations under international human rights treaties to which Uganda is a party, providing human rights education and training to the general public as well as specialized professional groups, and the establishment of an information and documentation centre. Most recently the Commission has launched its strategic plan, which gives a long-term vision of the Commission's objectives and priorities. Given the Commission's growing strength, the Office of the High Commissioner relies on its staff for regional training and has arranged the Commission's participation in various regional and international forums.

18. The project entitled "Consolidation of the democratic process", which began in 1996, has a component to strengthen the Malawi Human Rights Commission. Over the past two years, the Office of the High Commissioner has supported a workshop on the effective functioning of national institutions for new members; human rights training; fellowship and training for staff and a member of the Commission to the South African Human Rights Commission; training related to investigation techniques and reporting; and participation in various regional and international meetings. The latter training, undertaken by a national institutions practitioner, permitted a cross-fertilization of ideas, as the expert is providing advice to the Government and non-governmental organizations of Sierra Leone regarding the establishment of a national human rights institution in that country. It is envisaged that further support to the institution is required. The nature and modalities of future cooperation will need to be carefully considered.

19. In Nigeria, the Special Adviser has provided advice to members and staff of the National Human Rights Commission. In response to a request from the Government, a needs-assessment mission was conducted in February 2001 to determine how the Office of the High Commissioner can most effectively contribute to strengthening the Commission. The mission concluded that the Commission should be supported as an important institution to promote and protect human rights in a climate of improving "democratization". A project formulation mission is being planned.

20. In Chad, the "Transitional project to strengthen human rights and governance" began in April 2000. An element of the project is to strengthen the capacities of the National Human Rights Commission. A Regional Adviser to the Office of the High Commissioner based in Yaoundé will assist in this task.

21. In Gabon, the project entitled "Development of national capacities for the protection and promotion of human rights" is under way. One of its objectives is to support the Government in establishing a National Commission on Human Rights by offering training courses, providing advisory services, acquiring equipment, office supplies and publications, and providing study fellowships for members of the Commission. To date, the National Commission has been provided with office equipment and supplies. The Office of the High Commissioner will continue to encourage the Government to ensure that the Commission becomes independent, in accordance with relevant United Nations standards.

22. During 2000, the technical cooperation project for Madagascar focused on training for members of the National Human Rights Commission; training for human rights non-governmental organizations; training of human rights education personnel; and support for the Commission and Ministry of Justice. Three fellowships were awarded for advanced training on the management and operation of the Commission. The project is implemented by a national project manager who works in cooperation with UNDP, the Government and the Commission.

23. The 1999 Lomé Peace Agreement called for the establishment of a Human Rights Commission in Sierra Leone, and stated that "technical and material

assistance may be sought from the Office of the United Nations High Commissioner for Human Rights" (article XXV). The Commission on Human Rights, in resolution 2000/24, welcomed the steps taken by the Government and civil society to establish a national commission. The Special Adviser on National Institutions has conducted two missions to Sierra Leone to discuss modalities for the creation of the institution and has provided detailed advice on legislation to establish the Commission. A workshop on the establishment of the Sierra Leone Human Rights Commission, organized by the United Nations Mission in Sierra Leone (UNAMSIL) Human Rights Section and the National Forum for Human Rights, with assistance from the Office of the High Commissioner, was held on 15 and 16 December 2000. Attended by participants representing all sectors and regions in Sierra Leone, as well as the chairpersons of the Human Rights Commissions of Ghana and Uganda, the workshop was opened by the Minister of Presidential Affairs, who reiterated the Government's commitment to establishing the Commission. The Attorney General introduced the draft founding legislation. UNAMSIL and the Office of the High Commissioner will continue to work with the Government and civil society to establish an independent and credible Human Rights Commission in Sierra Leone and will consider technical cooperation once legislation establishing the Commission has been enacted.

24. In February 2001, the Office of the High Commissioner completed a technical cooperation project with the Government of South Africa, including the South African Human Rights Commission as a co-partner. As part of the human rights institutional strengthening element of the project, a project manager was based with the South African Human Rights Commission to assist the Commission in carrying out its mandate. In particular, the project manager worked closely with the Commission in the reporting and monitoring of the Government's implementation of socio-economic rights and developing a national action plan for the promotion and protection of human rights. In 2000, support was provided to formulate a complaints procedures policy regarding reporting requirements.

25. In 1998, the Office of the High Commissioner, in collaboration with UNDP, established a Regional Human Rights Office with a mandate to mainstream human rights in the United Nations system in southern Africa, and to strengthen United Nations capacity in its response to Government requests for assistance. The Regional Office covers 15 members of the southern Africa region, and has been cooperating with national institutions in the region (including through a possible meeting of Southern African Development Community national institutions). The Office is presently assessing the possibility of establishing a training programming concerning economic, social and cultural rights for national institutions of the region.

26. The recently established United Nations Subregional Centre for Human Rights and Democracy in Yaoundé has as part of its responsibilities the institutional strengthening of national institutions within the Central African region. Countries which will benefit from this project include Angola, Burundi, Cameroon, the Central African Republic, Chad, Congo, the Democratic Republic of the Congo, Equatorial Guinea, Gabon, Rwanda and Sao Tome and Principe.

Activities and programmes of the Office of the High Commissioner for Human Rights in the Asia Pacific region

27. For several years, the Office of the High Commissioner has been assisting in the establishment and strengthening of national human rights institutions in the Asia Pacific region. Activities have included advice on legislation and other matters relating to the creation of new institutions as well as training and technical support to existing institutions. The Office works closely with the Asia Pacific Forum of National Human Rights Institutions, established in 1996.

28. During the reporting period, the region has seen an important growth in the number of national human rights institutions, including those established in Fiji, Malaysia, Mongolia, Nepal and Thailand (two of the 11 Commissioners remain to be appointed). These and already established institutions have requested the Office of the High Commissioner for advice and assistance, either directly or through the Asia Pacific Forum.

29. Since 1997, the field office in Gaza has worked with the Palestinian Independent Commission for Citizens' Rights. The Office has continued to provide assistance to the Commission by way of direct institutional strengthening, support for its field workers programme, law reform and other technical support for training and human rights promotion activities. The

law reform programme has supported the work of the Commission to comment on priority legislation and the promotion of a consultative approach to law reform in Palestine. The field workers programme, which has posted three field workers in the West Bank and one in Gaza, has permitted the Commission to raise awareness on human rights in each region of the country and to monitor violations and collect complaints of alleged violations at the local level. The Office of the High Commissioner has also provided two grants to the Commission to build up its collection of human rights documentation and legal materials. In June 2000, the Office held two one-week courses at the Commission's office in Gaza for prison guards. The Director of the Commission's Gaza office and a lawyer working at the Commission conducted several sessions during the training course.

30. Following several visits by the Special Adviser, the Government of Nepal established a National Human Rights Commission in May 2000. In August 2000, at the Fifth Annual Meeting of the Asia Pacific Forum of National Human Rights Institutions, the Nepal Commission was accepted as a member of the Forum. The Office of the High Commissioner and UNDP, working with the Commission, have developed a multi-year, multi-donor initiative providing support to the Commission in its institutional strengthening and capacity-building.

31. The Special Adviser to the High Commissioner on National Institutions has conducted several missions to Malaysia to assist in the establishment of the Malaysian Human Rights Commission. The Commission, established in April 2000, has been assisted by the Office of the High Commissioner to participate in several regional and international meetings.

32. In January 2000, following detailed advice on legislation from the Special Adviser on National Institutions, Mongolia established a National Human Rights Commission. The Office of the High Commissioner, UNDP and the Asia Pacific Forum of National Human Rights Institutions have been working to develop a broad-based technical cooperation project to assist the new Commission.

33. The Fiji Human Rights Commission, established in 1993, has played an important role in dealing with recent events in that country. The Commission's experience is drawn upon in relation to the overall work of the Office of the High Commissioner on National Institutions. The Office is in regular contact with the Commission to ensure that it receives support as a critical institution within Fiji's society.

Activities and programmes of the Office of the United Nations High Commissioner for Human Rights in Europe, Central Asia and North America

34. The Office has increased its efforts to work with regional organizations in Europe, such as the Council of Europe and the Organization for Security and Cooperation in Europe. Several technical cooperation projects are providing assistance to established national institutions in Georgia, Latvia and the Republic of Moldova. Requests for assistance currently under consideration and/or in the process of formalization, which may relate to assistance for national human rights institutions, include those from Kosovo and Ukraine. Advice has been provided to Governments establishing institutions in Germany, the Republic of Ireland, the United Kingdom of Great Britain and Northern Ireland (regarding both Scotland and Northern Ireland) as well as to established institutions, such as in Slovakia.

35. The Office of the High Commissioner, following completion of its joint project with UNDP in Latvia, has continued to work towards establishing an effective national human rights institution in Latvia and in 2001, the Office contributed to a multi-agency mission to Latvia in this regard.

36. Assistance continued to be provided to the Centre for Human Rights of Moldova through a technical cooperation project which is in its final year. Assistance has related to the handling of complaints, treaty body reporting, public education strategies and general human rights issues.

37. The Office continues to provide advice to the Public Defender's Office of Georgia through a joint project with UNDP and several bilateral donors. The Special Adviser is in regular contact with the Chief Technical Adviser to the project and has met with non-governmental organizations concerning the Public Defender and her role vis-à-vis civil society.

38. The project with Azerbaijan, entitled Strengthening capacities and infrastructures for the promotion and protection of human rights, concluded in 2001. The Office of the High Commissioner worked

with partner agencies, such as the Council of Europe, concerning the establishment of a national human rights institution. In November 1999, the Office of the High Commissioner participated in a round table concerning the establishment of a national human rights institution.

39. At the request of the Government of Romania and UNDP, the Office of the High Commissioner provided assistance in the development of a project for support to Romania's Public Defender. The project focuses on development of the corporate management, administration and management capacity of the institution; development of a monitoring and complaints handling system; adaptation of national legislation to international standards; human rights policy development; the development of a national human rights plan of action; and education and public information.

40. On 30 June 2000, the Special Representative of the Secretary-General in Kosovo promulgated regulation No. 2000/38, on the establishment of the Ombudsperson[1] institution in Kosovo. This was undertaken pursuant to United Nations Security Council resolution 1244 (1999) of 10 June 1999, which stemmed from the Rambouillet Accord of 23 February 1999 (Interim Agreement for Peace and Self-Government in Kosovo), chapter 6 of which was devoted to the issue of establishing an Ombudsperson institution. On 11 July 2000, an Ombudsperson was appointed for a two-year period. The Ombudsperson requested the assistance of the Office of the High Commissioner and in May 2001, the Office fielded a needs-assessment mission to Kosovo. Discussions are proceeding concerning possible technical cooperation with the institution.

41. In May 2001, the Office of the High Commissioner's Field Office in the Federal Republic of Yugoslavia and the National Institutions Team, held a round table with government agencies, non-governmental organizations and international partners concerning the possible establishment of a national human rights institution within the Federal Republic of Yugoslavia. Consultations were also held with United Nations Member States, as well as with officials at the Republic of Serbia level. The Office continues to liaise with the Federal Ministry of Justice concerning the establishment of a national institution that conforms with United Nations standards.

Activities and programmes of the Office of the United Nations High Commissioner for Human Rights in Latin America and the Caribbean

42. The Office of the High Commissioner is currently implementing several technical cooperation projects that include assistance to established national human rights institutions, such as those in Colombia, Ecuador, El Salvador, Guatemala and Nicaragua. The Office has also developed an initiative for the Andean region. Government requests under consideration that may include assistance to national human rights institutions are from Argentina, Mexico and Peru.

43. The successful visits of the High Commissioner to Mexico in December 1999 and November and December 2000 resulted in the signing of a technical cooperation agreement with the Government of that country. Under the agreement, the development of a technical cooperation project with the Mexican Human Rights Commission was envisaged. A project-formulation mission was undertaken by the Special Adviser and a member of the National Institutions Team in May and June 2001. A project is being developed in cooperation with the Commission to strengthen its institutional capacity and relationships with state commissions and non-governmental organizations. The Office has also worked closely with the Commission in its capacity as acting secretariat of the newly established Network of National Institutions of the Americas (including the Caribbean).

44. The Network of National Human Rights Institutions of the Americas was established in Mexico City in November 2000 during the second Regional Meeting of National Institutions of the Americas. Signatories to the Network included the institutions of Argentina, Bolivia, Canada, Ecuador, Honduras, Mexico and Peru. The principal objectives of the Network are to expand mutual support, cooperation and joint activities, including through information exchanges, training and development, undertaking joint projects, sharing expertise, periodical regional meetings and seminars, and mutually assisting each other with respect to requests from other national institutions regarding human rights violations. The Office of the High Commissioner will continue to support the development of this important regional association.

45. Since its establishment in 1997, the field office in Colombia has been working closely with the Office of

the People's Advocate of Colombia. During the reporting period, several joint visits to the field to investigate alleged human rights violations or monitor the plight of displaced persons were conducted. The Office of the High Commissioner has also been actively participating in a working group coordinated by the Office of the People's Advocate to investigate and prevent massacres, as well as to alert the public security authorities. The Office of the High Commissioner is undertaking specific initiatives to strengthen the office of the People's Advocate.

46. In El Salvador, the Office of the High Commissioner has held several discussions concerning the inclusion of the Public Advocate in a technical cooperation project. However, this is pending until an Advocate has been appointed. One element of the proposed project is the development of a national human rights action plan in which the Advocate would be a key partner.

47. In its previous project relating to Guatemala the *Procurador* (Human Rights Council) was involved in the various project components. The present initiative will focus on strengthening the recently established Women's Public Advocate. Various institutional strengthening and capacity-building initiatives are foreseen.

48. In October 1998, the High Commissioner for Human Rights signed a memorandum of understanding with the Andean Commission of Jurists to facilitate assistance to Member States of the subregion, including in the area of national human rights institutions. Implementation of this memorandum has led to the signing of a technical cooperation project for the Andean region with the Andean Commission of Jurists. A component of the project relates to the strengthening of the national institutions of the region and the provision of advice to those countries within the region which do not yet have a national human rights institution. The coordinator appointed for the work relating to national human rights institutions is the former Ombudsperson of Peru.

C. Assistance provided by the Office of the United Nations High Commissioner for Human Rights to international and regional meetings of national institutions

49. In the Asia Pacific region, several initiatives to support established national institutions, with participation by civil society, have been implemented by the Office of the High Commissioner. These initiatives include: a seminar on the role of national human rights institutions in the protection and promotion of the human rights of children (the Philippines, November 1999); a workshop on the role of national human rights institutions in the protection and promotion of the human rights of women (Fiji, May 2000); the second Regional National Institutions Workshop on Economic, Social and Cultural Rights undertaken in cooperation with the Human Rights Commission of the Philippines and the Canadian Human Rights Foundation (the Philippines, November 2000); and support to the Annual Meetings of the Asia Pacific Forum of National Human Rights Institutions (the Philippines, November 1999 and New Zealand, August 2000).

50. The third Regional Conference of African Institutions for the Promotion and Protection of Human Rights was held from 14 to 16 March 2001 in Lomé. Participants discussed independence, pluralism and the effectiveness of national institutions; the fight against child exploitation and trafficking; reinforcing cooperation between national institutions, the Office of the High Commissioner and non-governmental organizations; human rights, development and HIV/AIDS; and the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

51. At the European regional level, the Office of the High Commissioner participated in the First Council of Europe Round Table with national human rights institutions and the Third European Meeting of national institutions, both held in March 2000 in Strasbourg, France. The Office also participated in the UNDP-sponsored Fifth International Workshop of Ombudsperson and Human Rights Institutions held in Almaty in November 1999. National institutions focused on their role in preventing ethnic conflict and guaranteeing minority rights, the relationship with

external parties including media, civil society and government, and improving their effectiveness.

52. Two major meetings of national institutions were held in Latin America: from 19 to 21 November 2000, in Mexico City, the second Regional Meeting of National Human Rights Institutions of the Americas discussed the establishment of a regional network of national institutions and indigenous rights in preparation for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The fifth Annual Meeting of the Ibero-American Ombudspersons held in Mexico City from 21 to 24 November 2000 covered the themes of the integration of national institutions into the international human rights system; preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, particularly concerning migrants, refugees and displaced persons, and establishment of the International Criminal Court.

D. Consultations with national human rights institutions by treaty monitoring bodies and protection mechanisms established by the Commission on Human Rights

53. Treaty monitoring bodies regularly request States parties to provide information relating to the establishment of a national human rights institution in their country. The secretariats to the treaty monitoring bodies also regularly consult the Special Adviser and the National Institutions Team about the work of particular national institutions on specific areas. The Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child have been particularly active in this regard.

54. Representatives of the treaty bodies have been speakers in national institutions' initiatives relating, inter alia, to women's rights, children's rights, and economic, social and cultural rights. Members of the treaty bodies, such as the Committee on the Elimination of Racial Discrimination, have participated in training events relating, for example, to treaty body reporting. At the thirteenth Annual Meeting of Chairpersons held in June 2001, the Office of the High Commissioner presented a discussion paper to the Chairpersons regarding substantive ways in which the Office of the High Commissioner, national human rights institutions and the treaty body mechanisms could improve their cooperation. This included using the information which national institutions possess to get a better understanding of specific human rights issues facing a country, treaty body reporting and monitoring actions taken by States parties regarding conclusions of the treaty bodies.

55. Consultations with established national human rights institutions is normal practice for almost all established working groups, special rapporteurs and independent experts of the Commission on Human Rights. This includes the Working Group on Enforced or Involuntary Disappearances, the Working Group on Arbitrary Detention and thematic and country rapporteurs and independent experts who, during their missions to countries where such institutions have been established, conduct consultations with them. In addition, the Office of the High Commissioner has included a number of special rapporteurs in its activities relating to national institutions. More information on these consultations can be found in the annual reports of the rapporteurs to the Commission on Human Rights and the General Assembly.

E. Activities of the Office of the United Nations High Commissioner for Human Rights in preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

56. National institutions have undertaken a number of national activities in preparation for the World Conference, including participating in regional preparatory meetings and expert seminars. Through support provided by the Office of the High Commissioner by way of grants from the Rockefeller and Carnegie Foundations, some 17 national institutions have received funding to undertake educational and promotional activities at the national level. The European Union has also provided funding to permit the participation of up to 36 national institutions in the Conference itself. As observers to the Conference, it is expected that national institutions will participate as actively as possible in the government Conference, as well as in various parallel events. Planning is under way for a national institution pre-World Conference meeting, where national institutions

may develop an overall position paper on substantive issues which the Conference will consider.

F. Cooperation between the Office of the United Nations High Commissioner for Human Rights, other United Nations agencies and programmes and international and regional organizations

57. Within the framework of the memorandum of understanding between the Office of the High Commissioner and UNDP, concluded in 1998, many activities and programmes for the establishment or strengthening of national institutions have been conducted in close cooperation. The Office of the High Commissioner continues to implement jointly with UNDP the project on human rights strengthening, which includes national institutions.

58. The Office of the High Commissioner has also been working closely with several other United Nations agencies and programmes, including the United Nations Volunteers, within the framework of a memorandum signed with that Office. In addition, the Office of the High Commissioner has cooperated in a number of initiatives with the Council of Europe, and the Organization for Security and Cooperation in Europe. Cooperation with the Commonwealth increased substantially following the holding of a July 2000 workshop on national institutions of the Commonwealth. Through its various bilateral initiatives, there has been a more effective realization of the cooperation called for between the Inter-American Institute of Human Rights and the Office of the High Commissioner. The Special Adviser attended the seventh annual Congress of the International Ombudsperson Institute held in Durban, South Africa, from 30 October to 2 November 2000, where the participating Ombudspersons and national institutions agreed that living in a society that pursues good governance practices is a basic human right.

III. Participation of national human rights institutions in meetings of the Commission on Human Rights

59. An increasing number of national institutions take the opportunity of addressing the Commission on Human Rights in its annual sessions. At its fifty-sixth and fifty-seventh sessions, the Commission in its resolutions 2000/76 and 2001/80 reinforced the important work of national institutions in the promotion and protection of human rights. Equally, they underlined the continuing need for the Office of the High Commissioner to take a lead role in ensuring that assistance to these institutions is provided.

60. Taking note of the express wish of national human rights institutions to have access to the Commission, the Chairs of the Commission at the fifty-sixth and fifty-seventh sessions continued to provide a specific area of seating for national institutions to address the Commission. Name badges identifying national institutions were issued and, at the fifty-seventh session, the representatives of national institutions were able to have their statements circulated to the member States of the Commission within the conference room.

IV. International Coordinating Committee of national institutions

61. As endorsed by the Commission on Human Rights in resolution 1994/54, the International Coordinating Committee continues to hold its annual meetings in conjunction with the annual session of the Commission on Human Rights. The Coordinating Committee held its eighth and ninth sessions at the United Nations Office at Geneva from 17 to 19 March 2000 and from 18 to 20 April 2001, respectively. The High Commissioner for Human Rights encouraged representatives of national institutions to increase their cooperation, in particular at the regional level, stressing the need for national institutions to meet United Nations standards concerning such institutions.

62. From 13 to 15 April 2000, national institutions met in Rabat for the International Coordinating Committee's Fifth International Workshop of National Human Rights Institutions. The Rabat Declaration highlighted the important role that national institutions must play in the fight against all forms of

discrimination, and in particular against racism; called upon national institutions to continue their activities to promote and protect women's and children's rights; noted that the fight against poverty and the effective enjoyment of economic, social and cultural rights by all persons constitute priorities for action by national institutions; encouraged all States to ratify all treaties relating to human rights and to ensure that the Statute of the International Criminal Court soon enters into force; and urged that resources available to the High Commissioner be increased so that support can be strengthened, in particular, for regional and international meetings of national institutions and to assist their cooperation efforts.

63. The National Institutions Team of the Office of the High Commissioner acts as the secretariat of the Coordinating Committee. This is a role demanding greater time as the Committee's procedures become formalized and activities increase. In April 2000, the Coordinating Committee adopted its internal rules of procedure. Its Credentials Committee continued to examine documents submitted by a number of national institutions resulting in the accreditation of 42 national institutions, some with reservations (the eighth and ninth reports of the Coordinating Committee are available on request in the Office of the High Commissioner).

V. Conclusions and recommendations

64. The work of the Office of the United Nations High Commissioner for Human Rights in the area of national institutions continues to increase, although the level of human resources allocated to this work remains static. The staff of the Office of the High Commissioner dedicated to national institutions work remains funded out of voluntary project-based funds. As per the respective Commission on Human Rights resolutions, Member States of the United Nations are encouraged to continue supporting the efforts of the Office in this area and to provide additional financial resources as part of their contributions to the programme of advisory services and technical assistance in the field of human rights.

65. The holding of regional and international meetings of national institutions to promote the exchange of information and experience concerning the establishment and effective operation of such institutions has proved an effective mechanism for the strengthening of those institutions. Nevertheless, Governments and the partners of the Office of the High Commissioner must ensure that United Nations standards concerning national institutions are respected.

Notes

[1] In the regulation, the term Ombudsperson is used.

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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

The right to development

Report of the Secretary-General**

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* A/56/150.

** In accordance with General Assembly resolution 54/248, section C, paragraph 1, this report is being submitted on 31 July 2001 so as to include as much updated information as possible.

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I. Introduction

1. By its resolution 55/108 of 4 December 2000, the General Assembly requested the Secretary-General to submit to the General Assembly at its fifty-sixth session and to the Commission on Human Rights at its fifty-seventh session a comprehensive report on the implementation of the various provisions of that resolution.

2. In response to the resolution, the Office of the United Nations High Commissioner for Human Rights sent a note verbale, dated 30 April 2001, to States soliciting information to be compiled in the report. As at 12 July 2001, replies had been received from Argentina, Cuba, the Democratic People's Republic of Korea, Guatemala and Mexico. The responses are compiled in the present report.

II. Replies received from Governments

A. Argentina

[Original: Spanish]
[12 July 2001]

3. A response to the note verbale was received by the Secretariat on 12 July 2001. Given the date of the response, the relative length of the submission, and the lack of time available for an official translation of the response, a summary is reproduced below. A full copy of the response is available from the Secretariat.

4. The submission from Argentina presents statistics and other material on poverty, indigenous peoples, racial discrimination, and the incorporation of a gender perspective in development. On poverty, the Government notes figures from the 1991 census that demonstrate that 19.9 per cent of the population lives without a sufficient level of basic needs, 44 per cent of whom are below 15 years of age; 5.4 per cent of the population of Buenos Aires lives in extreme poverty. These figures improved until 1994, but the financial crisis in Mexico had negative consequences on poverty levels in Argentina. Thus by 1996, 27.9 per cent of the population was living in poverty; however, by 1998, that figure had diminished to 17.7 per cent.

5. The reform of the National Constitution in 1994, which includes articles concerning the protection of the human rights of indigenous peoples, constitutes a significant advance in the promotion of cultural and ethnic diversity in the nation. Those rights concern historical, cultural and ethnic identity, the juridical identity of indigenous communities, communal possession of traditional lands, bilingual and intercultural education, the preservation of indigenous heritage, measures to promote human development and participation in the management of their natural resources.

6. Argentina has established a National Institute against Discrimination, Xenophobia and Racism, a decentralized body within the framework of the Ministry of the Interior. The Institute elaborates national policies to fight discrimination, xenophobia and racism. Some of its activities include applying laws relating to compensation to victims for acts of racism, maintaining information on international laws concerning racism, and the receipt and centralization of complaints concerning racist conduct.

7. The response of Argentina attaches particular emphasis in promoting women's right to development through combating discrimination. Generally, the legal order does not sanction discrimination that would have a negative impact on the full enjoyment of the human rights of women, and the equality of men and women is guaranteed under the Constitution. The Government is committed to eliminating progressively all forms of discrimination against women. By 2000, 28 per cent of parliamentarians in the National Congress were women. However, the number of women in the Senate has decreased from 3 in 1985 to 2 in 2000 out of a total of 59 seats. Currently, there is one woman Minister and there are three women Departmental Secretaries and five women Sub-Secretaries. In the judiciary, 20 per cent of magistrates are women and 18.6 per cent of judges at first instance are women. Of the nine members of the national Supreme Court, none were women. In the armed forces, 10.4 per cent are women. Women represent between 3 and 6 per cent of corporate directors. In the workforce in 1999, 41.6 per cent were women as compared with 36 per cent in 1987. In the workplace, women with the same level of education generally receive a lower salary than men. In education, significant advances have been made in women's participation in formal education. Women represent 49.4 per cent of primary school children and 53 per cent of high school students. Of higher education students (non-University), 73.51 per cent are

women while 57 per cent of university students are women.

B. Cuba

[Original: Spanish]
[22 June 2001]

8. The Government of the Republic of Cuba welcomes the holding of the two sessions of the Open-ended Working Group on the Right to Development, which focused on specific issues reflected in the report of the Working Group (E/CN.4/2001/26), and stresses the need to continue deliberations on the right to development in all its aspects.

9. At the same time, it regrets the limited progress made in fulfilment of the mandate of the Open-ended Working Group established by the Commission on Human Rights to facilitate the implementation of the 1986 Declaration on the Right to Development (General Assembly resolution 41/128, annex).

10. Cuba believes that the lack of political will on the part of a significant number of developed countries and their decision to protect the unjust foundations of the current international economic order have been the determining factors in the lack of concrete progress in the work of the Group.

11. Cuba takes this opportunity to denounce the unacceptable practices of a group of industrialized countries, which resort to blackmail and manipulation of development assistance in order to silence and neutralize the legitimate claims to the right to development of three quarters of the world's population.

12. The same countries, with their inflexible and obstructionist positions, blocked the progress of the Working Group before the fifty-seventh session of the Commission on Human Rights and made efforts during the session to work against the historic consensus achieved in Vienna regarding the right to development.

13. Even though the right to development as set out in the 1986 Declaration was reaffirmed in the 1993 Vienna Declaration as a universal and inalienable right and an integral part of all fundamental human rights, several industrialized countries are now attempting to question and reformulate its content and scope, including the definition of the beneficiaries of the right.

14. Under the 1986 Declaration, the right to development is a right both of individuals and of peoples, and both national Governments and the international community have responsibility for ensuring its full enjoyment.

15. International cooperation in the realization of the right to development is an inherent right of the peoples of the South. It is an ethical imperative for the international community to halt and reverse the tendency towards marginalization of some countries and to promote their early enjoyment of the benefits of globalization and interdependence.

16. For the full realization of the right to development, it is necessary to establish an international economic order based on participation in the decision-making process on the basis of equality, interdependence, mutual interest and cooperation by all States, along with solidarity. As a result, all peoples and nations can expect international aid in their efforts to exercise the right to development, in particular to eradicate poverty, illiteracy and hunger and to deal with the aftermath of emergency situations such as natural disasters.

17. In the opinion of the Government of the Republic of Cuba, numerous obstacles and dangers, which have an impact at both the national and international levels, lie ahead for the effective application of the Declaration on the Right to Development and the full realization of this right.

18. The obstacles at the national level include:

(a) Lack of political will among some Governments to meet the needs of significant sectors of the population which have been marginalized and condemned to poverty;

(b) Limitations on and failure to allocate sufficient resources for policies and programmes designed to train and empower human capital and the necessary physical infrastructure for development;

(c) Unequal distribution of wealth and property within countries;

(d) Inadequate participation by the people in decision-making mechanisms for major political, economic and social processes at the national level;

(e) Limited capacity of States to act as economic agents and to redistribute national wealth as a result of privatization and restructuring of public

organizations imposed by neo-liberal policies. This question is particularly relevant to the supply of basic services on the part of the State.

19. Obstacles at the international level include:

(a) Outflow of capital from South countries as a result of external debt and its servicing;

(b) Greater inequalities in terms of trade in goods between developed and developing countries. Commodity prices have fallen to rock bottom. The South countries which are net importers of fuel have over the past year faced an increase in oil prices, aggravating their difficult situation;

(c) Unequal distribution of the benefits resulting from globalization and economic interdependence, which have not reached all countries, communities and individuals. These benefits are increasingly beyond the reach of some countries, the least developed and African countries in particular;

(d) Predatory actions by the large transnational companies which monopolize the principal international markets and impose their prices, and which have been virtually exempt from payment of taxes of any kind, as a result of the fierce competition imposed by neo-liberal globalization;

(e) Inadequacy of measures to reduce the ever-increasing gap between developed and developing countries, which has a negative impact on the full enjoyment of human rights, especially in developing countries;

(f) Continuing decrease in official development assistance and increase in the conditions attached by donor countries to any development assistance funds, hampering the ability of South Governments to set priorities in their development programmes. This has detracted from the importance of international cooperation for development in the programmes of the international community, including the United Nations system;

(g) Imposition of non-tariff barriers to trade by the industrialized countries, blocking market access by non-traditional exports from the developing countries;

(h) Monopolistic control of technology patents by North countries and their transnational corporations and imposition of numerous barriers to the real transfer of technology;

(i) Policies encouraging "brain theft" from South countries, which dismantles or weakens human capital training programmes in underdeveloped countries;

(j) Inequality between developed and developing countries in their respective ability to generate scientific and technical knowledge and utilize that knowledge to support socio-economic development. The technology gap between developed and developing countries contributes substantially to the growing disparity between their income levels, which threatens to grow even wider if the developing countries do not manage to become actively involved in the development of new industries based on the application of science and technology;

(k) Financial liberalization, including speculative and volatile capital flows over which the developing countries have very little control because of the lack of adequate institutional mechanisms to address those processes, has generated considerable instability in international economic resources, with especially disastrous results for developing countries.

20. The list of obstacles is in no way exhaustive, but it does identify some of the areas that need urgent action by Governments and the international community for the full application of the right to development.

21. The Government of the Republic of Cuba is confident that human solidarity and social justice will prevail over the selfish and unjust concepts underpinning the current international economic order, which are aggravated by the neo-liberal theories imposed by the current process of globalization.

22. The holding of the South Summit in Havana made a modest contribution to the strengthening of South-South cooperation with the objective of promoting the full realization of the right to development by the peoples of this region.

23. North-South cooperation also needs an impetus. It is vital to restore North-South dialogue with two fundamental objectives: promoting sustained economic growth and sustainable development as the priorities of cooperation and correcting the imbalances in the operation of the international economic system, which places developing countries at a clear disadvantage in their relationship with developed countries.

24. The Millennium Declaration adopted by the Heads of State and Government at the recent Millennium Summit (General Assembly resolution 55/2) stressed the fundamental value of solidarity in international relations in the twenty-first century, affirming that global challenges must be managed in a way that distributes the costs and burdens fairly in accordance with basic principles of equity and social justice and that those who suffer, or who benefit least, deserve help from those who benefit most.

25. The future of all individuals and peoples on this planet depends to a great extent on finding solutions to the major challenges facing humanity today, in particular the eradication of poverty and the full enjoyment of the right to development.

26. Cuba reiterates its willingness to participate actively in the Open-ended Working Group on the Right to Development and hopes that the Working Group will make a significant contribution to the realization of one of the most important human rights, which unfortunately still does not receive the priority it deserves within the United Nations machinery for the promotion and protection of human rights.

C. Democratic People's Republic of Korea

[Original: English]
[7 June 2001]

27. The Government of the Democratic People's Republic of Korea has formulated and implemented national development policies oriented to give full play to *Chajusong* (independence) and creativity of people.

28. To realize the right to development, it is necessary to create international circumstances conducive to development through practical measures, including poverty alleviation, debt relief and withdrawal of sanctions.

29. In this regard, the United States of America must immediately lift all unreasonable sanctions, which hinder the realization of the rights of the developing countries to development.

D. Guatemala

[Original: Spanish]
[3 July 2001]

30. For many years, one of the main obstacles to development in Guatemala was the internal armed conflict, which lasted 36 years and ended only in 1996. In fact, that year marked the beginning of the process which is referred to in Guatemala as "national reconstruction". This is a process in which social as well as political and economic issues are addressed.

31. Although the Peace Agreements, some of which were signed as early as 1994, are primarily political in nature, they have been taken into account in the government agenda since 1996. As a result, progress has been made in a number of areas.

32. As the reconciliation process moves forward, an effort is now being made to overcome the privilege gap, especially by identifying existing inequalities. There are indications that the economy is stronger; strategies to improve competitiveness have been adopted, and investment in infrastructure is growing. Education has been targeted as a national objective, leading to a redoubling of efforts to eradicate illiteracy.

1. Action taken by the Government of Guatemala to combat poverty and promote development

33. In keeping with its aim of overcoming economic, social and institutional obstacles that prevent the population from enjoying decent living conditions, the Government of the Republic is promoting a poverty-reduction strategy that includes short-, medium- and long-term goals. Areas of action have been identified that call for both the State and society at large to work to reduce the magnitude of poverty, which affects the majority of the population.

34. It is important to bear in mind that fostering overall human development — at the individual and collective levels — is a fundamental part of a State's ability to ensure the well-being of its population. This is especially true in multi-ethnic countries such as Guatemala with human development indexes showing dramatic levels of poverty and social exclusion.

35. The Administration is determined to promote and strengthen sustainable human development and to consolidate peace. Hence, during 2000 it did the groundwork for transforming policy into action. Thus,

it developed a social policy matrix which reflects the commitments made by the Government in the framework of the Peace Agreements.

2. Strategic objectives of the Administration's plan for 2001

Poverty reduction

36. The aim is to improve the living standards of the most excluded groups by implementing, in a well-coordinated and participatory manner, comprehensive policies that will break the vicious circle of growth and impoverishment. Every effort will be made to promote:

(a) Sustained economic growth based on clear and consistent rules;

(b) Job creation, with pay based on productivity;

(c) Investment in human capital, so as to ensure that the population has access to basic social services such as health and education.

Human development

37. The aim is to achieve genuine human development by promoting tolerance, well-being and solidarity, thus providing opportunities for individuals and communities to better themselves in both material and cultural terms and in accordance with each group's particular needs. Efforts to expand opportunities will be geared to reducing social, ethnic and gender inequalities.

Citizen participation

38. The aim is to strengthen and expand mechanisms to promote citizen participation, ensuring that citizens are duly represented and have access to decision-making and that public officials are held accountable for their actions. Efforts will be made to improve communication between representatives and their constituents and to make it easier for people to form organizations to deal with their problems and needs and seek solutions jointly with State institutions.

Decentralization

39. Decentralization will gradually transfer certain decision-making and administrative functions, as well as resources, to levels of government that are closer to the population. At the same time, the capacity of the executive branch to provide guidance to local governments will be strengthened.

40. With decentralization as the basis for promoting increased grass-roots participation in solving community problems, short-, medium- and long-term programmes are being implemented. In the short term, the aim is to do the groundwork to make the process irreversible. A framework law on decentralization will be enacted to define the core elements of the process. In addition, a number of related laws will be updated and modernized (including the municipal code and the law on urban and rural development councils), in order to ensure that the process is consistent and comprehensive.

41. In the medium and long term, decentralization efforts will focus on the following components or areas of action:

(a) Policy decentralization: strengthening of local governments' management capacity;

(b) Administrative decentralization: transfer of powers to local governments;

(c) Fiscal decentralization: economic sustainability of local governments;

(d) Economic decentralization: modernization and growth of public and private sectors at the local level.

A culture of peace

42. The aim is to identify, recognize and respect the cultural diversity of Guatemalan society, fostering the harmony in which peaceful coexistence and positive cultural exchanges can take place.

43. In this strategy, priority is given to those areas of action that can have the greatest impact on poverty. Government action in the short and medium term will focus on three central elements, with a view to enhancing the levels of well-being and quality of life of all Guatemalans, especially the poorest and most excluded groups. The programmes will primarily target rural areas, where 75 per cent of the population lives.

44. These three central elements are:

(a) Economic growth with equity;

(b) Investment in human capital (education and health);

(c) Investment in physical infrastructure (drinking water, basic sanitation, rural roads, rural electrification).

45. These priority areas of action are aimed at meeting the international development objectives adopted by the United Nations General Assembly at the 1995 World Summit for Social Development and reaffirmed at the World Summit for Social Development and Beyond: achieving social development for all in a globalizing world, held in Geneva in 2000.

3. Other actions

46. To ensure that public resources have an impact on the living conditions of the target population, studies are being conducted in connection with the third phase of the integrated financial administration system (Sistema Integrado de Administración Financiera — SIAF), which is responsible for preparing and executing the national budget. The aim is to incorporate decentralized, autonomous and local entities into the system so as to enhance effectiveness and guarantee transparency in public administration.

47. Work has also begun on development of the national system of public investment (Sistema Nacional de Inversiones Públicas — SNIP), which is designed to evaluate all public investment initiatives so as to guarantee that the projects implemented will genuinely benefit the population.

48. In addition, in order to ensure the overall development, advancement and full participation of Guatemalan women, the Government has worked with women's organizations in civil society to reach consensus in outlining a national policy for the advancement and development of Guatemalan women and a plan for achieving equity. The result is a set of measures, programmes and projects that will be promoted by State institutions with a view to giving substance to the overall development of Guatemalan women on a truly equal footing with men.

49. The general objectives of the policy are as follows:

(a) To give priority to government action targeting the female population of all ages, ethnic groups and socio-political backgrounds;

(b) To adjust public policy, legislation, plans, programmes and projects so as to take into account the specific needs of women;

(c) To increase the participation of women at various levels of public administration and in positions where they can represent and participate in civil society, in dialogue with the State;

(d) To adjust the pertinent legal and budgetary frameworks and institutional mechanisms so as to ensure that they consistently include policies for the advancement and development of women.

50. As regards national policy on culture and sports, programmes will be aimed at consolidating a culture of peace on the basis of attitudes and values that are inherent to Guatemalan society. This will be accomplished by recognizing cultural diversity, including different world views and approaches to life and relationships, as well as ways of coping with and overcoming difficulties and working towards future-oriented development.

51. Likewise, peaceful coexistence and intercultural relations will be strengthened through sociocultural exchanges, respect for differences and appreciation of creativity, social organization, community values and bonds among people and between people and nature. This will take place in the context of long-term action to promote peace and sustainable human development.

52. In 2000, progress towards decentralization was achieved in a number of specific areas, laying the basis for the coming years:

(a) A preliminary national policy was developed;

(b) A general law on decentralization was drawn up and debated;

(c) Fifty-nine local governments were given responsibility for managing the single property tax (Impuesto Único sobre Inmueble — IUSI);

(d) A programme of work for the above-mentioned priority areas was completed, with implementation beginning throughout the country in January 2001;

(e) Substantial cooperation resources for the decentralization programme were obtained from the United Nations Development Programme, the Netherlands Organization for International

Development Cooperation and other international agencies;

(f) Discussions were initiated with various actors of civil society, which will be strengthened in coming years;

(g) A mayors' group was organized to coordinate decentralization efforts;

(h) Over 100 seminars were held throughout the country to encourage participation and discussion among all sectors;

(i) Support was provided for specific programmes carried out by local governments, at their request;

(j) Some ministries began implementing decentralization at the local level (e.g., health, education);

(k) A national radio campaign was conducted with messages to the public on the subject of decentralization and its benefits.

53. Among the major specific activities, mention may be made of the following.

54. The Secretariat for Devolution and Decentralization of the Ministry of Public Health and Social Welfare (MSPAS) was set up under agreement SPM592-200, whereby 52 local governments were selected to carry out action to devolve and decentralize the sector; at the same time, the Pilot Plan for decentralization of the health service was implemented in the department of Totonicapán.

55. In connection with the development of dialogue and national consensus in favour of educational reform, a System of Permanent Participation Councils was established to combine the forums for dialogue and consensus dealing with the subject of education at the local, municipal, departmental and national levels. The members of these Councils included representatives of teachers, parents, students and government authorities at the municipal, departmental and national levels and, where appropriate, representatives of indigenous organizations, the private sector, universities and other sectors of civil society connected with educational development.

56. Municipal and departmental councils have already been formed and work is in progress to set up local councils and the national council. To assist this process, support is being given to organization at the grass-roots level as a basis for the formation of local councils; at present there are a number of organizations operating at this level: 8,379 school boards and 3,438 education committees (COEDECAS) of the Programme for Educational Self-Management (PRONADE), which have been playing a vital role in supporting the provision of educational services, principally at the pre-primary and primary levels.

57. Efforts have also been made to modernize and decentralize the cultural sector. One of the most important achievements was the holding of the National Congress on Cultural Policy Guidelines, which formulated national cultural and sports policies. These policies have been publicized throughout the country and embody a broader concept of culture and intercultural relations; decentralization of the cultural sector has been achieved through community cultural workers.

58. Support for the process of decentralization and devolution of environmental management takes various forms: strengthening of executive branch institutions involved in the process, and empowerment of local governments, as the main management bodies at the local level, as well as the actual communities to take over ongoing management of their natural resources.

59. Within the Guatemalan Government, 22 departmental offices have been established which, together with the six regional offices of the National Commission for the Environment, support the process of decentralization. Similarly, at the municipal level, the local governments' environmental commissions have been activated and the post of environmental extension worker has been established. To ensure the sustainability of the process, training has been given to staff of the local offices on the following subjects: the Meso-American Biological Corridor, the national biodiversity strategy, environmental legislation and climate change, as well as financial management, the mass media and relations with the press.

60. With respect to the decentralization of the forestry administration, 65 municipal forest offices have been established and have begun work in the departments of Guatemala City, Escuintla, Alta Verapaz, Baja Verapaz, Jutiapa, Jalapa, Chimaltenango, Quiché, Quetzaltenango, Huhuetenango and Petén. Through these offices, advice has been provided for the

implementation of communal forest management plans, and publicly owned woodland has been looked after.

61. There has to be a trend towards decentralization of the management of protected areas through the National Council for Protected Areas (Consejo Nacional de Areas Protegidas — CONAP), which is working on the consolidation of the Guatemalan System of Protected Areas (Sistema Guatemalteco de Areas Protegidas), which involves government bodies and grass-roots organizations.

62. With respect to risk reduction and disaster prevention, it is hoped that the strengthening of regional, departmental, municipal and local coordination will make the population and the infrastructure less vulnerable to emergencies.

63. In conclusion, it should be noted that, in countries such as Guatemala, decentralization of services in general is an essential part of political, economic, social and human development. Thus, if the people themselves administer their resources and can participate and decide on the areas in which those resources are to be used, the Government and the State in general will be able to respond more effectively to the public demands of the population as a whole.

4. Future prospects

64. In the current context, a set of policies is in place to ensure that economic growth results in a reduction in social gaps and disparities, within the limits imposed by the natural system.

65. In pursuit of the proposed objectives, what is envisaged is a modern, efficient and devolved state with an autonomous system of justice, where privileges and impunity no longer exist. Reconciliation is essential in order to close a page of history marked by confrontation, exclusion, impunity and inequality, which are the main impediments to both human and social development.

E. Mexico

[Original: Spanish]
[9 July 2001]

66. The present administration of the Government of Mexico is fully committed to the right to development and sees a need to promote international and national policies which create an environment conducive to the implementation of that right.

67. International cooperation is essential for the formulation of appropriate development policies. In that context, it is imperative for all nations to build bridges on the basis of democracy, freedom and solidarity leading us to a shared future in which those who have been excluded from development are brought into the process to which they are entitled.

68. The Government of Mexico considers that the international agenda should envisage at least five goals: greater and more effective participation by developing countries in international economic decision-making; a truly open multilateral trade system reflecting the development needs of all nations; a new international financial architecture releasing resources for productive investment; an effective prevention and response capacity to deal with international financial crises; and sustainable and integrated worldwide economic growth.

69. One noteworthy event was the launching of a regional and sustainable development plan known as the Plan Puebla Panamá, resulting from recognition that the disparities between the south/south-east of Mexico and the rest of the country have increased and that the problems afflicting the region have spread to the countries of Central America. A joint development effort between central America and that region of Mexico, within a framework that respects the need for cooperation, understanding and consensus, is essential in order to improve the quality of life of the people of the region.

70. The objective of the Plan is the immediate correction of the distortions that have adversely affected Central America so as to make a start on reversing the long-standing downward trend and thus give its inhabitants access to a better quality of life. To that end, it proposes a new model of regional development starting from the premise that development is not development unless it involves the development of people, which envisages new public human development policies (giving special attention to the overall development of indigenous communities and peoples), poverty relief and promotion of productive investment and development, strategic investment in infrastructure so that the region can communicate more effectively and take advantage of the potential offered by Mexico's treaties on free trade,

a new price and tariff policy for goods and services produced by the public sector and programmes to ensure the environmental sustainability of economic growth.

71. Coordinated action among the Governments of the countries of Central America and Mexico will enhance and multiply their opportunities to take better collective advantage of their new opportunities, to face their challenges and, while respecting the sovereign decisions of each State, to impart a new economic dynamism to the region.

72. The international aspect of the Plan Puebla Panamá will have to be fine-tuned on the basis of appropriate consultations with the Governments of the countries of the region and adoption of the required agreements and commitments. The Plan will be able to receive contributions from multinational and multilateral bodies with an interest in the region.

73. The Plan will thus be, both within Mexico and in Central America, a mechanism for ongoing and permanent consultations to develop an overall long-term regional strategy with the participation of indigenous communities, peoples, citizens' organizations, entrepreneurs and the different levels of government. It will consistently respect the freedom of the regions and entities to define their own destiny.

74. Within the purely national sphere, on 29 May 2001 President Vicente Fox introduced the National Development Plan 2001-2006, which acknowledges the individual as the central subject of development and was prepared on the basis of wide-ranging public consultations, so as to cover all social needs.

75. The strategies and guidelines for social policy set out in the National Development Plan include initiatives to reverse the causes of extreme poverty in the shortest possible time and will be sustainable in the long term; their basic objective is to help to meet the immediate needs of the marginal population and at the same time to support it, within a context of empowerment, so as to expedite its incorporation in productive life, breaking the vicious and inter-generational circle of poverty.

76. The country's social development policy is one of the priorities of the Government of Mexico and will seek to provide equal opportunities for all citizens. A Commission for Social and Human Development has been set up and five key elements for the development policy have been defined: to satisfy at least the minimum requirement of Mexicans with respect to food, housing and education; to apply a measure of equity in all government policies; to focus on the population living in extreme poverty, particularly indigenous peoples; to promote social cohesion and community spirit; and to protect the environment.

77. In that sense, government policy is designed to reduce the disparity between the poorest and the richest. The main requirement of the poorest people is to be able to find work and receive an education in order to achieve a lasting improvement in their living conditions. During 2001, it is envisaged that the proportion of public expenditure earmarked for social development will show a real increase of 4.7 per cent compared with the previous year. In 2001, this amount will represent 61.2 per cent of overall allocable expenditure and 9.2 per cent of the country's gross domestic product.

78. The Government has various programmes to combat poverty, prominent among them being the Education, Health and Food Programme (PROGRESA) and the National Programme for Microregions.

79. PROGRESA was designed to address the various causes of poverty through an overall, ongoing and long-term approach, with the objective of reaching all regions with concentrations of families living in extreme poverty so as to improve their conditions with respect to food, health and education, particularly as regards women and children. The objective of PROGRESA is to reach 750,000 more families in 2001, bringing the total coverage to 3.2 million families.

80. It is noteworthy that the approach of PROGRESA is to provide structural assistance rather than welfare. Welfare assistance does not produce lasting results with an impact on the causes that perpetuate poverty; nor does it promote self-help or empower the recipients. PROGRESA seeks above all to enhance the basic abilities of the individual, reinforcing the benefits of his or her own efforts.

81. Similarly, PROGRESA strives to achieve gender equality in the communities where it works by channelling all financial aid to the mothers of families.

82. The objective of the National Programme for Microregions is to address, initially, 250 microregions, in other words 5.5 million Mexicans, of whom 3.4 million are members of indigenous populations. The

intention is to reach the most marginalized municipalities with the objective of overcoming their poverty and promoting their all-round development, focusing efforts and resources for that purpose in a coordinated manner between the three branches of government, with the participation of civil society.

83. Lastly, it is important to emphasize that Mexico's social development policy invariably assumes the support of all citizens, men and women alike, who are empowered to participate in the design, implementation, monitoring and social control of activities, so that optimum use is made of resources.